

THE
STATUTES OF CALIFORNIA

AND

AMENDMENTS TO THE CODES

PASSED AT THE

THIRTY-EIGHTH SESSION OF THE LEGISLATURE

1909

BEGAN ON MONDAY, JANUARY FOURTH, AND ENDED ON WEDNESDAY, MARCH TWENTY-FOURTH,
NINETEEN HUNDRED AND NINE



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CONTENTS.

LAWS.

Chap. No.	Bill Number.	Author.	Page	Chap. No.	Bill Number.	Author.	Page
1	S. B. 1.	Leavitt	1	55	S. B. 273.	Miller	46
2	S. B. 2.	Price	1	56	S. B. 50.	Leavitt	47
3	S. B. 171.	Price	2	57	S. B. 153.	Thompson	48
4	S. B. 41.	Savage	2	58	S. B. 152.	Thompson	49
5	S. B. 6.	Bills	3	59	S. B. 130.	McCartney	49
6	A. B. 374.	Drew	3	60	S. B. 51.	McCartney	51
7	A. B. 308.	Com. on W. & Means	4	61	A. B. 205.	Rutherford	52
8	S. B. 300.	Leavitt	4	62	S. B. 563.	Wolfe	53
9	S. B. 301.	Leavitt	5	63	A. B. 174.	Transue	53
10	S. B. 305.	Leavitt	5	64	A. B. 175.	Transue	55
11	S. B. 308.	Leavitt	5	65	A. B. 390.	Beardslee	56
12	S. B. 310.	Leavitt	6	66	S. B. 25.	Rush	70
13	S. B. 307.	Leavitt	6	67	A. B. 314.	Johnson of Placer	80
14	S. B. 311.	Leavitt	7	68	A. B. 316.	Johnson of Placer	80
15	S. B. 312.	Leavitt	7	69	S. B. 520.	Bills	81
16	S. B. 313.	Leavitt	8	70	S. B. 521.	Bills	82
17	S. B. 302.	Leavitt	9	71	S. B. 522.	Bills	83
18	S. B. 303.	Leavitt	9	72	S. B. 523.	Bills	84
19	S. B. 304.	Leavitt	9	73	A. B. 67.	Otis	84
20	S. B. 306.	Leavitt	10	74	S. B. 1235.	Leavitt	85
21	S. B. 78.	McCartney	11	75	A. B. 618.	Rutherford	86
22	S. B. 285.	Lewis	12	76	S. B. 18.	Leavitt	87
23	S. B. 111.	Curtin	13	77	S. B. 343.	Thompson	122
24	S. B. 346.	Boynton	14	78	S. B. 1041.	Curtin	125
25	S. B. 533.	Leavitt	16	79	A. B. 145.	Polsley	126
26	S. B. 29.	Thompson	16	80	S. B. 952.	Leavitt	126
27	A. B. 731.	Beardslee	20	81	S. B. 131.	McCartney	133
28	A. B. 63.	Otis	21	82	S. B. 160.	Black	134
29	S. B. 316.	Wolfe	22	83	S. B. 288.	Price	134
30	S. B. 318.	Wolfe	23	84	S. B. 280.	Price	135
31	S. B. 317.	Wolfe	23	85	S. B. 361.	Curtin	135
32	S. B. 46.	Price	21	86	S. B. 263.	Anthony	136
33	S. B. 8.	Black	25	87	S. B. 451.	Kennedy	136
34	A. B. 73.	Hewitt	25	88	S. B. 258.	Willis	137
35	A. B. 52.	Gogswell	30	89	S. B. 143.	Wolfe	137
36	A. B. 161.	Leeds	31	90	S. B. 206.	Savage	138
37	A. B. 232.	Johnson of Sac'to	32	91	S. B. 238.	Wright	139
38	S. B. 15.	Finn	33	92	S. B. 708.	Hurd	139
39	A. B. 34.	Johnson of Sac'to	34	93	A. B. 1109.	Johnson of Sac'to	140
40	A. B. 235.	Johnson of Sac'to	34	94	A. B. 440.	Beardslee	142
41	A. B. 240.	Sackett	35	95	S. B. 752.	Leavitt	145
42	A. B. 140.	Coghlan	36	96	S. B. 504.	Boynton	145
43	A. B. 124.	Sackett	37	97	S. B. 505.	Boynton	146
44	A. B. 611.	Nelson	38	98	S. B. 272.	Stetson	147
45	A. R. 125.	Sackett	38	99	S. B. 104.	Martinelli	147
46	A. B. 176.	Transue	39	100	S. B. 88.	Willis	148
47	A. B. 47.	Beardslee	39	101	S. B. 531.	Caminetti	149
48	S. B. 106.	Leavitt	40	102	S. B. 633.	Wolfe	149
49	S. B. 77.	Martinelli	40	103	S. B. 655.	Bills	150
50	S. B. 309.	Leavitt	41	104	S. B. 47.	McCartney	151
51	S. B. 187.	Miller	42	105	S. B. 678.	Wright	154
52	S. B. 191.	Wolfe	43	106	S. B. 524.	Roseberry	156
53	A. B. 33.	Johnson of Sac'to	44	107	S. B. 323.	Welch	157
54	S. B. 239.	Thompson	45	108	S. B. 435.	Cutten	158

LAWS—Continued.

Chap. No.	Bill Number.	Author.	Page	Chap. No.	Bill Number.	Author.	Page
109	A. B. 56	Cogswell	162	176	A. B. 1160	Transue	275
110	A. B. 11	Johnson of Sac'to.	163	177	A. B. 825	Dean	275
111	A. B. 184	Beatty	163	178	A. B. 726	Irwin	277
112	A. B. 296	Rutherford	164	179	A. B. 846	Beardslee	278
113	A. B. 123	Johnson of C. Costa.	166	180	A. B. 173	Transue	278
114	A. B. 831	Transue	166	181	A. B. 445	Rutherford	279
115	S. B. 328	Bills	167	182	A. B. 758	Butler	280
116	S. B. 684	Miller	180	183	A. B. 1111	Perine	281
117	S. B. 450	Curtin	182	184	A. B. 240	Leeds	282
118	S. B. 649	Miller	185	185	S. B. 814	Curtin	284
119	A. B. 623	Hewitt	190	186	A. B. 934	Com. on Education	290
120	S. B. 132	Wolfe	191	187	A. B. 228	Pooley	290
121	S. B. 9	Boynton	193	188	A. B. 284	Johnson of Placer	295
122	S. B. 735	Thompson	194	189	A. B. 842	Nelson	296
123	S. B. 492	Willis	194	190	A. B. 8	Johnson of Sac'to.	297
124	S. B. 228	Anthony	204	191	S. B. 653	Bills	297
125	S. B. 453	Miller	204	192	S. B. 804	Cutten	298
126	S. B. 354	Miller	207	193	S. B. 931	Sanford	299
127	S. B. 235	Wolfe	209	194	S. B. 147	Thompson	299
128	S. B. 195	Wolfe	209	195	S. B. 513	Sanford	300
129	S. B. 243	Curtin	210	196	S. B. 836	Willis	300
130	S. B. 632	Wolfe	211	197	S. B. 677	Cutten	302
131	S. B. 239	Wright	211	198	S. B. 911	Martinelli	304
132	S. B. 712	Leavitt	212	199	S. B. 932	Sanford	306
133	S. B. 21	McCartney	213	200	S. B. 514	Sanford	308
134	A. B. 848	Stanton	227	201	S. B. 180	Willis	309
135	A. B. 1059	Wagner	228	202	S. B. 652	Bills	310
136	A. B. 647	Dean	230	203	S. B. 691	Cutten	320
137	A. B. 710	Johnson of Sac'to.	231	204	S. B. 270	Rush	311
138	A. B. 607	McManus	232	205	S. B. 32	Willis	313
139	A. B. 373	Wilson	232	206	S. B. 800	Stetson	318
140	S. B. 526	Martinelli	233	207	S. B. 921	Martinelli	318
141	A. B. 655	Beatty	237	208	S. B. 684	Sanford	322
142	A. B. 227	Pooley	245	209	A. B. 168	Perine	325
143	A. B. 198	Sackett	245	210	S. B. 44	Roseberry	326
144	A. B. 573	Johnson of C. Costa	247	211	S. B. 771	Sanford	328
145	A. B. 262	Hanlon	247	212	S. B. 650	Miller	328
146	A. B. 604	Sackett	248	213	S. B. 799	Stetson	329
147	S. B. 1239	Boynton	249	214	S. B. 704	Leavitt	329
148	S. B. 241	Wright	250	215	S. B. 829	Willis	330
149	S. B. 140	Thompson	251	216	S. B. 718	Walker	331
150	S. B. 801	Thompson	251	217	A. B. 733	Johnson of S. Diego	331
151	S. B. 636	Boynton	252	218	A. B. 671	Sackett	332
152	S. B. 635	Boynton	252	219	A. B. 1007	Dean	333
153	S. B. 549	Stetson	253	220	A. B. 193	Nelson	337
154	S. B. 296	Curtin	254	221	A. B. 151	Johnson of C. Costa	338
155	S. B. 169	Camineti	255	222	A. B. 1114	Cogswell	339
156	S. B. 184	Camineti	256	223	A. B. 387	Wyllie	351
157	S. B. 149	Thompson	257	224	A. B. 481	Rutherford	352
158	A. B. 751	Kehoe	257	225	S. B. 983	Curtin	352
159	S. B. 179	Willis	258	226	S. B. 936	McCartney	358
160	S. B. 144	Thompson	258	227	S. B. 985	Sanford	354
161	S. B. 143	Thompson	260	228	S. B. 892	Curtin	355
162	S. B. 113	Camineti	260	229	S. B. 951	Thompson	355
163	S. B. 98	Stetson	261	230	S. B. 1002	Thompson	356
164	A. B. 600	Sackett	261	231	S. B. 1042	Hartman	367
165	A. B. 160	Leeds	262	232	S. B. 1076	McCartney	357
166	A. B. 631	Sackett	263	233	S. B. 667	Boynton	359
167	A. B. 728	Leeds	263	234	S. B. 555	Martinelli	360
168	A. B. 951	Webber	266	235	S. B. 647	Curtin	360
169	A. B. 1030	Hawk	266	236	S. B. 554	Martinelli	364
170	A. B. 441	Beardslee	268	237	S. B. 556	Martinelli	365
171	A. B. 935	Wagner	269	238	S. B. 477	Willis	366
172	A. B. 200	Melrose	272	239	A. B. 1123	Beardslee	366
173	A. B. 569	Dean	273	240	S. B. 264	Kennedy	367
174	A. B. 576	Beardslee	273	241	S. B. 222	Price	368
175	A. B. 723	Irwin	274	242	A. B. 974	Transue	368

LAWS—Continued.

Chap. No.	Bill Number.	Author.	Page	Chap. No.	Bill Number.	Author.	Page
243	A. B. 800	Beardslee	360	310	S. B. 721	Martinelli	471
244	A. B. 850	Perine	369	311	S. B. 803	Thompson	473
245	A. B. 794	Beatty	371	312	S. B. 294	Wright	499
246	A. B. 776	Transue	372	313	S. B. 689	Leavitt	515
247	A. B. 756	Preston	372	314	A. B. 96	Griffiths	516
248	S. B. 890	Walker	373	315	A. B. 93	Griffiths	516
249	S. B. 729	Birdsall	380	316	A. B. 97	Griffiths	517
250	S. B. 843	Finn	383	317	S. B. 64	Birdsall	517
251	S. B. 792	Black	384	318	S. B. 725	Estudillo	518
252	A. B. 958	Griffiths	385	319	S. B. 763	Black	519
253	A. B. 1103	Bohnett	385	320	S. B. 483	Wolfe	522
254	S. B. 998	Wolfe	387	321	S. B. 630	Holohan	528
255	S. B. 510	Curtin	392	322	S. B. 953	Wright	530
256	S. B. 476	Willis	392	323	S. B. 95	Estudillo	534
257	S. B. 353	Miller	393	324	S. B. 56	Cutten	537
258	S. B. 648	Weed	395	325	S. B. 1245	McCartney	538
259	A. B. 1228	McClellan	397	326	S. B. 1246	Miller	540
260	A. B. 68	Otis	398	327	S. B. 1243	Black	541
261	A. B. 442	Beardslee	399	328	S. B. 1107	Cutten	542
262	S. B. 366	Hare	400	329	S. B. 538	Stetson	543
263	S. B. 96	Savage	401	330	S. B. 982	Black	544
264	S. B. 793	Estudillo	402	331	S. B. 342	Anthony	546
265	S. B. 953	Thompson	403	332	S. B. 132	McCartney	546
266	S. B. 559	Sanford	403	333	S. B. 378	Campbell	547
267	S. B. 706	Bates	404	334	S. B. 344	Thompson	550
268	S. B. 1133	Anthony	412	335	A. B. 763	Hans	551
269	S. B. 292	Wright	412	336	A. B. 1084	Johnson of San Diego	554
270	S. B. 137	McCartney	413	337	S. B. 271	Stetson	557
271	A. B. 609	Transue	414	338	A. B. 1066	McClellan	558
272	S. B. 896	Wolfe	414	339	S. B. 967	Miller	563
273	S. B. 925	Weed	415	340	S. B. 500	Welch	564
274	S. B. 208	Curtin	415	341	A. B. 1281	Flavelle	564
275	S. B. 585	Price	417	342	A. B. 701	Johnson of Sac'to	568
276	S. B. 26	Savage	418	343	S. B. 623	Stetson	574
277	A. B. 25	Johnson of Sac'to	419	344	S. B. 456	Sanford	575
278	A. B. 430	Leeds	420	345	S. B. 917	Wolfe	575
279	A. B. 28	Johnson of Sac'to	422	346	S. B. 1207	Bills	576
280	A. B. 625	Bohnett	426	347	S. B. 1060	Black	576
281	A. B. 730	Dean	426	348	S. B. 924	Wolfe	578
282	A. B. 1112	Perine	427	349	A. B. 1253	Transue	578
283	A. B. 827	Johnson of San Diego	429	350	A. B. 1145	Flint	579
284	A. B. 742	Wagner	429	351	A. B. 104	Greer	581
285	S. B. 1250	Leavitt	430	352	A. B. 422	Transue	581
286	A. B. 374	Transue	431	353	A. B. 802	Hans	583
287	A. B. 656	Beatty	434	354	A. B. 701	Transue	583
288	A. B. 1261	Leeds	435	355	A. B. 789	Beatty	586
289	A. B. 1254	Beardslee	436	356	A. B. 940	Odum	586
290	A. B. 651	Leeds	437	357	A. B. 956	Cogswell	588
291	A. B. 784	Melrose	448	358	A. B. 906	Reeh	590
292	A. B. 931	Drew	450	359	A. B. 1042	Beatty	590
293	A. B. 833	Transue	451	360	A. B. 1154	Wilson	591
294	A. B. 169	Perine	451	361	A. B. 1155	Webber	591
295	A. B. 1043	Beatty	453	362	A. B. 1115	Reeh	593
296	A. B. 630	Sackett	454	363	A. B. 1387	Young	594
297	S. B. 587	Sanford	454	364	A. B. 1365	Hans	595
298	S. B. 663	Thompson	456	365	A. B. 1388	Young	604
299	S. B. 512	Sanford	453	366	A. B. 1408	Sackett	604
300	S. B. 959	Wright	460	367	A. B. 1419	Otis	605
301	S. B. 1079	Thompson	460	368	S. B. 1142	McCartney	605
302	S. B. 1078	Thompson	461	369	S. B. 1140	McCartney	606
303	S. B. 209	Curtin	461	370	S. B. 1141	McCartney	607
304	S. B. 944	Roseberry	462	371	S. B. 1100	Wright	608
305	S. B. 330	Birdsall	465	372	S. B. 919	Wolfe	608
306	S. B. 634	Lund	467	373	A. B. 978	Transue	609
307	S. B. 490	Wright	467	374	A. B. 1068	Hammou	610
308	S. B. 775	Hurd	469	375	A. B. 42	Johnson of Sac'to	620
309	S. B. 077	Bills	471	376	A. B. 273	Beardslee	621

LAWS—Continued.

Chap. No.	Bill Number.	Author.	Page.	Chap. No.	Bill Number.	Author.	Page.
377	A. B. 280.	Beardslee	621	444	S. B. 1241.	Willis	774
378	A. B. 302.	Perine	622	445	S. B. 680.	Wolfe	775
379	A. B. 844.	McManus	640	446	S. B. 214.	Leavitt	779
380	A. B. 988.	Gillis	641	447	S. B. 1144	Black	780
381	A. B. 984	Gillis	643	448	S. B. 102.	Price	781
382	A. B. 847.	Johnson of Placer	644	449	S. B. 1113.	Cutten	781
383	A. B. 990.	Coghlan	647	450	S. B. 1114.	Cutten	782
384	A. B. 1050	Griffiths	653	451	S. B. 1115.	Cutten	782
385	S. B. 1191.	Thompson	655	452	S. B. 1009.	Cutten	783
386	A. B. 1135.	Beardslee	655	453	S. B. 1117.	Cutten	783
387	A. B. 1196.	Stanton	656	454	S. B. 1247.	Black	784
388	S. B. 314	Curtin	660	455	A. B. 276.	Beardslee	785
389	S. B. 741.	Willis	663	456	A. B. 279	Beardslee	785
390	S. B. 751.	Stetson	665	457	A. B. 213.	Flavelle	786
391	S. B. 820.	Bills	668	458	A. B. 215.	Flavelle	787
392	S. B. 844.	Anthony	668	459	A. B. 749	Flavelle	787
393	S. B. 821.	Bills	669	460	A. B. 212.	Flavelle	788
394	S. B. 884.	Weed	669	461	A. B. 214.	Flavelle	788
395	S. B. 961.	Willis	670	462	A. B. 216.	Flavelle	789
396	S. B. 1138.	Cartwright	672	463	A. B. 131.	Juilliard	789
397	S. B. 1155.	Hurd	677	464	A. B. 128.	Juilliard	790
398	S. B. 842.	Thompson	680	465	A. B. 695.	Hayes	791
399	A. B. 1018.	Drew	687	466	A. B. 1056.	Collier	792
400	A. B. 1449	Com. on W. & Means	688	467	S. B. 1088.	Bills	793
401	A. B. 1082.	Beardslee	688	468	S. B. 910.	Martinelli	793
402	A. B. 1255	Beardslee	689	469	S. B. 1171.	Price	794
403	A. B. 1417.	Wagner	689	470	S. B. 516.	Price	795
404	S. B. 961.	Curtin	690	471	A. B. 1234.	Fleisher	795
405	S. B. 3.	Wright	691	472	A. B. 394.	Reeh	797
406	S. B. 226.	Welch	711	473	S. B. 95.	Stetson	798
407	S. B. 227.	Welch	713	474	S. B. 1251.	Leavitt	798
408	A. B. 178.	Transue	718	475	A. B. 186.	Mott	799
409	A. B. 177.	Transue	718	476	A. B. 320.	Reeh	800
410	A. B. 1424.	Transue	719	477	S. B. 1088.	Holohan	807
411	A. B. 1448	Stanton	720	478	S. B. 806.	Black	810
412	A. B. 977.	Transue	721	479	A. B. 190.	Sackett	811
413	A. B. 423.	Transue	722	480	A. B. 1431.	Hans	815
414	A. B. 975.	Transue	723	481	A. B. 233.	Johnson of Sac'to	823
415	A. B. 1092.	Sackett	723	482	A. B. 155.	Drew	826
416	A. B. 1237.	Melrose	727	483	A. B. 773.	Webber	827
417	A. B. 1355.	Hewitt	730	484	A. B. 54	Cogswell	829
418	A. B. 1357.	Costar	732	485	A. B. 58.	Cogswell	830
419	A. B. 1033.	Moore	734	486	A. B. 90.	Griffiths	830
420	A. B. 955.	Cronin	736	487	A. B. 91.	Griffiths	831
421	A. B. 1359.	Hewitt	739	488	A. B. 92.	Griffiths	831
422	A. B. 1029.	Holmquist	741	489	A. B. 94.	Griffiths	832
423	A. B. 167.	Perine	743	490	A. B. 95.	Griffiths	832
424	A. B. 1031.	Griffiths	747	491	A. B. 114	Moore	833
425	A. B. 1075.	Baxter	748	492	A. B. 116.	Moore	834
426	A. B. 205.	Bohnelt	749	493	A. B. 118.	Moore	834
427	A. B. 1024.	Leeds	749	494	A. B. 120.	Moore	835
428	A. B. 1428.	Flint	750	495	A. B. 127.	Juilliard	835
429	A. B. 1087.	Hinkle	751	496	A. B. 130.	Juilliard	836
430	A. B. 1450.	Transue	751	497	A. B. 207.	Flavelle	837
431	A. B. 571.	Preston	753	498	A. B. 210.	Flavelle	838
432	A. B. 1441.	Hewitt	754	499	A. B. 211.	Flavelle	838
433	A. B. 1295.	Johnson of Sac'to	754	500	A. B. 256.	Hinkle	839
434	A. B. 1417.	Com. on W. & Means	755	501	A. B. 388.	Costar	840
435	S. B. 833.	Curtin	756	502	A. B. 620.	McClellan	840
436	S. B. 1254.	Caminetti	762	503	A. B. 696.	McClellan	841
437	S. B. 1199.	Boynton	763	504	A. B. 788.	Melrose	842
438	S. B. 1087.	Holohan	765	505	A. B. 802.	Drew	842
439	S. B. 1253.	Caminetti	766	506	A. B. 803.	Drew	843
440	S. B. 1195.	Boynton	767	507	A. B. 959.	Griffiths	844
441	S. B. 1212.	Lewis	768	508	A. B. 969.	Griffiths	844
442	S. B. 961.	Wright	768	509	A. B. 962.	Gibbons	845
443	S. B. 960.	Wright	772	510	A. B. 963.	Gibbons	845

LAWS—Continued.

Chap. No.	Bill Number.	Author.	Page.	Chap. No.	Bill Number.	Author.	Page.
511	A. B. 964	Gibbons	846	578	A. B. 1064	Feeley	892
512	A. B. 965	Gibbons	846	579	A. B. 163	Greer	892
513	A. B. 968	Gibbons	847	580	A. B. 242	Greer	893
514	A. B. 969	Gibbons	847	581	A. B. 241	Greer	893
515	A. B. 970	Gibbons	848	582	A. B. 1421	Hammon	894
516	A. B. 971	Gibbons	848	583	A. B. 101	McLrose	894
517	A. B. 972	Gibbons	849	584	A. B. 1446	Beardslee	895
518	A. B. 973	Gibbons	849	585	A. B. 1413	Beatty	895
519	A. B. 1009	Hewitt	850	586	A. B. 1138	Behan	896
520	A. B. 1034	Perine	850	587	S. B. 710	Bills	896
521	A. B. 1038	Mott	851	588	S. B. 1077	Thompson	897
522	S. B. 166	Caminetti	852	589	S. B. 663	Burnett	898
523	S. B. 193	Birdsall	853	590	S. B. 709	Bills	899
524	S. B. 980	Cutten	854	591	A. B. 1054	Johnson of Sac'to.	899
525	S. B. 1108	Cutten	858	592	A. B. 727	Sackett	902
526	S. B. 1252	Miller	860	593	A. B. 688	Sackett	903
527	A. B. 1402	Hawk	861	594	A. B. 630	Sackett	904
528	S. B. 539	Stetson	862	595	A. B. 686	Sackett	905
529	S. B. 912	Boynton	862	596	A. B. 27	Johnson of Sac'to.	906
530	S. B. 670	Boynton	863	597	A. B. 633	Sackett	907
531	S. B. 669	Boynton	863	598	A. B. 303	Perine	908
532	S. B. 668	Boynton	864	599	A. B. 1186	Pulcifer	909
533	S. B. 838	Boynton	864	600	A. B. 1185	Pulcifer	910
534	S. B. 637	Boynton	865	601	A. B. 84	Drew	912
535	S. B. 340	Wright	865	602	A. B. 1181	Pulcifer	913
536	S. B. 347	Price	866	603	A. B. 916	Pulcifer	914
537	S. B. 283	Thompson	867	604	A. B. 915	Pulcifer	914
538	S. B. 38	Thompson	868	605	A. B. 1184	Pulcifer	915
539	S. B. 588	Estudillo	868	606	A. B. 1187	Pulcifer	916
540	S. B. 219	McCartney	869	607	A. B. 1178	Pulcifer	917
541	S. B. 1026	Leavitt	870	608	A. B. 1403	Bolnett	918
542	S. B. 1025	Leavitt	870	609	A. B. 141	Silver	919
543	S. B. 1024	Leavitt	871	610	S. B. 1232	Miller	920
544	S. B. 1023	Leavitt	871	611	S. B. 1120	Cutten	921
545	S. B. 1022	Leavitt	872	612	S. B. 838	Miller	921
546	S. B. 1021	Leavitt	872	613	S. B. 694	Martinelli	923
547	S. B. 1020	Leavitt	873	614	S. B. 1030	Leavitt	923
548	S. B. 1203	Bills	873	615	S. B. 1152	Hurd	931
549	S. B. 1019	Leavitt	874	616	S. B. 1249	Boynton	933
550	S. B. 1130	Leavitt	874	617	A. B. 650	Collier	935
551	S. B. 1018	Leavitt	875	618	A. B. 431	Whitney	937
552	S. B. 1017	Leavitt	875	619	A. B. 1119	Mendenhall	940
553	S. B. 1065	Martinelli	876	620	A. B. 226	Wheelan	940
554	S. B. 1057	Willis	877	621	A. B. 577	Otis	941
555	S. B. 1003	Thompson	877	622	S. B. 969	Wright	942
556	S. B. 974	Sanford	878	623	S. B. 464	Wright	942
557	S. B. 890	Price	878	624	S. B. 334	Willis	947
558	S. B. 888	Bills	879	625	S. B. 525	Burnett	948
559	S. B. 882a	Com. on Pris. and Ref.	879	626	S. B. 566	Caminetti	964
560	S. B. 882A	Com. on Pris. and Ref.	880	627	S. B. 605	Cutten	965
561	S. B. 881	Curtin	880	628	S. B. 606	Cutten	965
562	S. B. 774	Martinelli	881	629	S. B. 609	Cutten	966
563	S. B. 773	Martinelli	882	630	S. B. 608	Cutten	966
564	S. B. 772a	Martinelli	882	631	S. B. 618	Cutten	967
565	S. B. 757	Sanford	883	632	S. B. 620	Cutten	967
566	S. B. 691	Price	883	633	S. B. 622	Cutten	968
567	S. B. 447	Price	884	634	S. B. 624	Stetson	969
568	S. B. 446	Price	884	635	S. B. 816	Estudillo	971
569	S. B. 359	Stetson	885	636	S. B. 860	Cutten	972
570	S. B. 278	Birdsall	886	637	S. B. 859	Cutten	972
571	S. B. 108	Price	886	638	S. B. 897	Willis	973
572	S. B. 12	Price	887	639	S. B. 861	Cutten	973
573	S. B. 772a	Martinelli	889	640	S. B. 928	Bell	974
574	A. B. 810	Beardslee	890	641	S. B. 978	Cutten	974
575	A. B. 249	Cogswell	890	642	S. B. 1091	Bates	975
576	A. B. 1407	Transue	891	643	S. B. 1110	Cutten	975
577	A. B. 1072	Telfer	891	644	S. B. 505	Estudillo	976

LAWS—Continued.

Chap. No.	Bill Number.	Author.	Page	Chap. No.	Bill Number.	Author.	Page
645	S. B. 1122.	Cutten	967	688	A. B. 420.	Coghlan	1055
646	S. B. 1149.	Hare	978	689	A. B. 685.	McClellan	1060
647	S. B. 1177.	Martinelli	979	690	A. B. 924.	Young	1061
648	S. B. 1225.	Thompson	979	691	A. B. 901.	Drew	1061
649	A. B. 16.	Johnson of Sac'to	983	692	A. B. 1136.	Wyllie	1062
650	A. B. 64-5-6	Otis	984	693	A. B. 1282.	Black	1063
651	A. B. 150.	Leeds	985	694	A. B. 1285.	Rech	1064
652	A. B. 1104.	Bohnett	986	695	A. B. 1286.	Rech	1065
653	A. B. 1084.	Bohnett	986	696	A. B. 1321.	Nelson	1065
654	A. B. 1048.	Leeds	987	697	A. B. 1334.	Hammon	1066
655	A. B. 1029.	Hawk	987	698	A. B. 1401.	Wagner	1075
656	A. B. 1023.	Leeds	988	699	A. B. 154.	Stanton	1076
657	A. B. 1002.	Beardslee	988	700	A. B. 654.	Wheelan	1077
658	A. B. 945.	Johnson of S. Diego	989	701	A. B. 162.	Greer	1077
659	A. B. 824.	Moore	997	702	A. B. 957.	Griffiths	1078
660	A. B. 745.	Wagner	998	703	A. B. 642.	Johnson of Sac'to	1078
661	A. B. 705.	Young	999	704	A. B. 1313.	Wilson	1079
662	A. B. 601.	Bohnett	1000	705	S. B. 1059.	Caminetti	1079
663	A. B. 580.	Otis	1000	706	S. B. 979.	Cutten	1081
664	A. B. 579.	Otis	1001	707	S. B. 1190.	Thompson	1082
665	A. B. 315.	Johnson of Placer	1001	708	S. B. 658.	Burnett	1082
666	A. B. 282.	Beatty	1001	709	S. B. 659.	Burnett	1083
667	A. B. 281.	Beatty	1002	710	S. B. 690.	Burnett	1084
668	A. B. 231.	Schmitt	1003	711	S. B. 661.	Burnett	1086
669	A. B. 204.	Bohnett	1004	712	S. B. 664.	Burnett	1087
670	A. B. 185.	Beatty	1004	713	A. B. 790.	Beatty	1088
671	S. B. 185.	Miller	1007	714	A. B. 1020.	Transue	1088
672	S. B. 1061.	Black	1010	715	S. B. 1178.	Martinelli	1090
673	A. B. 1354.	Johnson of Placer	1011	716	A. B. 1284.	Rech	1091
674	A. B. 1303.	Hans	1012	717	A. B. 1144.	Flint	1091
675	A. B. 26.	Johnson of Sac'to	1013	718	S. B. 161.	Boynton	1092
676	A. B. 1210.	Hammon	1017	719	S. B. 397.	Welch	1093
677	A. B. 1211.	Hammon	1018	720	S. B. 941.	Price	1093
678	A. B. 1350.	Callen	1022	721	S. B. 1242.	Wolfe	1094
679	A. B. 1358.	Callen	1023	722	S. B. 1228.	Black	1096
680	A. B. 1351.	Wilson	1024	723	S. B. 548.	Stetson	1097
681	A. B. 1414.	Hans	1028	724	S. B. 908	Welch	1097
682	A. B. 815.	Hans	1032	725	A. B. 1445.	Com. on W. & M.	1105
683	S. B. 1238.	Stetson	1034	726	A. B. 221.	Wheelan	1126
684	S. B. 1173.	Hurd	1035	727	A. B. 222	Wheelan	1127
685	S. B. 1174.	Hurd	1042	728	A. B. 919	Greer	1127
686	S. B. 651.	Wolfe	1055	729	S. B. 1219.	Walker	1129
687	A. B. 670.	Sackett	1055				

RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.

Chap.	Number.	Author.	Page.	Chap.	Number.	Author.	Page.
1	S. J. R. 1.	Wolfe	1135	28	S. C. R. 11.	Anthony	1320
2	A. J. R. 2.	Baxter	1135	29	S. C. R. 17.	Leavitt	1320
3	A. C. R. 2.	Otis	1136	30	S. J. R. 3.	Sanford	1330
4	A. J. R. 3.	Beardslee	1136	31	A. C. R. 17.	Transue	1331
5	S. C. R. 2.	Wright	1137	32	A. C. R. 6.	Johnson of Sac'to	1332
6	S. J. R. 9.	Savage	1148	33	S. C. A. 1.	Curtin	1332
7	S. C. R. 1.	Roseberry	1149	34	S. C. A. 36.	Burnett	1337
8	S. J. R. 5.	Cutten	1165	35	A. J. R. 7.	Coghlan	1337
9	S. J. R. 13.	Wolfe	1165	36	A. C. R. 15.	Transue	1338
10	S. C. R. 3.	Willis	1166	37	S. J. R. 20.	Cutten	1339
11	S. C. R. 5.	Com. on Rules	1169	38	A. C. R. 14.	Johnson of Sac'to	1339
12	A. J. R. 6.	Wilson	1174	39	A. J. R. 1.	Johnson of Sac'to	1340
13	S. C. R. 6.	Black	1175	40	A. C. R. 8.	Griffiths	1341
14	A. C. R. 13.	Leeds	1196	41	S. C. R. 16	Price	1341
15	A. C. R. 5.	Transue	1197	42	S. C. A. 38.	Willis	1342
16	S. C. R. 13.	Bell	1198	43	A. C. R. 18.	Melrose	1343
17	A. C. R. 10.	Young	1208	44	A. C. A. 14.	Ostar	1343
18	A. C. R. 11.	Johnston of C. Costa	1262	45	S. J. R. 22.	Stetson	1344
19	A. J. R. 8.	Otis	1282	46	A. J. R. 11.	McClellan	1344
20	A. C. R. 4.	Rutherford	1282	47	S. C. R. 20.	Leavitt	1345
21	A. J. R. 9.	Melrose	1288	48	S. C. R. 21.	Curtin	1345
22	S. C. R. 9.	Hurd	1289	49	S. J. R.		
23	S. J. R. 15.	Willis	1316		6-7-11-17.	Com. on Fed. Rel.	1346
24	S. C. R. 15.	Willis	1316	50	S. C. R. 22.	Leavitt	1347
25	S. J. R. 2.	Anthony	1317	51	S. J. R. 19.	Cutten	1347
26	S. C. A. 11.	Curtin	1318	52	S. C. R. 18.	Burnett	1348
27	S. C. A. 44.	Leavitt	1319				

LIST OF OFFICERS.

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

STATE OFFICERS.

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

STATE BOARD OF EQUALIZATION.

Capitol, Sacramento.

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

RAILROAD COMMISSIONERS.

Ferry Building, San Francisco.

Name.	District.	Residence.
A. C. Irwin (President)	First	Marysville
H. D. Loveland	Second	San Francisco
Theodore Summerland	Third	Los Angeles
W. D. Wagner	Secretary	San Bernardino

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. Melvin	Associate Justice	Oakland
F. M. Angellotti	Associate Justice	San Rafael
Lucien Shaw	Associate Justice	Los Angeles
William G. Lorigan	Associate Justice	San Jose
Frank L. Caughey	Clerk	Ukiah

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

Wells-Fargo Building, San Francisco.

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

SECOND APPELLATE DISTRICT.

Bullard Block, Los Angeles.

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

THIRD APPELLATE DISTRICT.

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

REPRESENTATIVES IN CONGRESS.**SENATE.**

George G. Perkins	Oakland
Frank P. Flint	Los Angeles

HOUSE OF REPRESENTATIVES.

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

SENATORS—38th SESSION.

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

Name.	Party.	District.	Address.
Anthony, Marc	R., D. and U. L.	Twenty-fourth	1099 Taylor street, S. F.
Bates, J. Clem	Republican	Fourteenth	2133 B. Vista Av., Alameda
Bell, Chas. W.	N. P. and D.	Thirty-sixth	Pasadena
Bills, Chas. B.	Republican	Seventh	2309 M street, Sacramento
Birdsall, E. S.	Republican	Third	Auburn
Black, Marshall	Republican	Twenty-eighth	Palo Alto
Boynnton, A. E.	Republican	Sixth	Oroville
Burnett, Lester G.	Republican	Twenty-fifth	1922 Broadway, S. F.
Caminetti, A.	Democrat	Tenth	Jackson
Campbell, A. E.	Democrat	Thirty-first	San Luis Obispo
Cartwright, George W.	Democrat	Twenty-sixth	Fresno
Curtin, J. B.	Democrat	Twelfth	Sonoma
Catten, Charles P.	Republican	First	Eureka
Estudillo, Miguel	Republican	Thirty-ninth	Riverside
Finn, Thomas F.	R. and U. L.	Seventeenth	961 Howard street, S. F.
Hare, John P.	D. and U. L.	Twenty-third	1384 Folsom street, S. F.
Hartman, Gus	R. and U. L.	Twenty-second	1245 Franklin street, S. F.
Holohan, James B.	Democrat	Twenty-ninth	Watsonville
Hurd, H. M.	Republican	Thirty-seventh	Los Angeles
Kennedy, T. J.	Democrat	Twentieth	16 Fort street, S. F.
Leavitt, F. W.	Republican	Sixteenth	928 Linden street, Oakland
Lewis, John T.	Republican	Eleventh	Stockton
Martinelli, E. B.	Republican	Ninth	San Rafael
McCartney, F. S. G.	Republican	Thirty-eighth	184 W. 18th street, L. A.
Miller, E. O.	Democrat	Thirty-second	Visalia
Price, W. F.	Republican	Eighth	Santa Rosa
Reily, D. J.	R. and U. L.	Eighteenth	476 Fair Oaks street, S. F.
Roseberry, Lonis H.	Republican	Thirty-third	Santa Barbara
Rush, Benjamin F.	Republican	Fifth	Suisun
Sanford, J. B.	Democrat	Fourth	Ukiah
Savage, W. H.	Republican	Thirty-fourth	San Pedro
Stetson, John W.	Republican	Fifteenth	353 Lenox Ave., Oakland
Strobridge, Ed. K.	Republican	Thirteenth	Hayward
Thompson, Newton W.	Republican	Thirty-fifth	Alhambra
Walker, George S.	Republican	Twenty-seventh	East San Jose
Weed, A.	Republican	Second	Dunsmuir
Welch, Richard J.	R. and U. L.	Nineteenth	1017 Shotwell street, S. F.
Willis, Henry M.	Republican	Thirtieth	Redlands
Wolfe, Edward L.	R. and U. L.	Twenty-first	798 Ashbury street, S. F.
Wright, Leroy A.	Republican	Fortieth	3370 B street, San Diego

MEMBERS OF THE ASSEMBLY—38th SESSION, 1909.

P. A. STANTON, of Los Angeles	Speaker
GEORGE M. PEMINE, of San Francisco	Speaker pro tem.
CLIO LLOYD, of Santa Barbara	Chief Clerk
J. T. STAFFORD, of Sacramento	Sergeant-at-Arms

Name.	Party.	District.	Postoffice Address.
Barndollar, Harry	Republican	69	Long Beach
Baxter, E. N.	Democrat	26	Yosemite Valley
Beardslee, R. L.	Republican	23	Stockton
Beatty, Henry N.	R. & U. L.	36	414 Fourteenth street, S. F.
Beban, Dominick J.	R. & U. L.	43	1243 Broadway, San Francisco
Black, George J.	D., I. L., U. L.	30	19 Heron street, San Francisco
Bohnett, L. D.	Republican	56	San Jose
Butler, Edward I.	Republican	21	San Rafael
Callan, E. J.	Republican	39	162 Twenty-third avenue, S. F.
Cattell, H. G.	Republican	67	Pasadena

MEMBERS OF THE ASSEMBLY—Continued.

Name.	Party.	Dist.	Postoffice Address.
Coghlan, Nathan C.	R. & U. L.	41	853 North Point st., San Francisco
Cogswell, Prescott F.	Republican	68	El Monte
Collier, E. B.	Republican	78	Corona
Collum, B. J.	Democrat	33	38 Powell avenue, San Francisco
Costar, W. J.	Republican	7	Chico
Cronin, John R.	Republican	20	Benicia
Cullen, John A.	R. & U. L.	29	300 Fourth street, San Francisco
Dean, Arthur M.	Republican	4	Redding
Drew, A. M.	Republican	61	Fresno
Feeley, James T.	R. & U. L.	48	629 Ninth street, Oakland
Flavello, J. W.	Republican	76	Ontario
Fleisher, Samuel	Republican	64	Santa Maria
Flint, W. R.	Republican	58	Hollister
Gerdes, Fred C.	R. & U. L.	35	22.3 Mission street, San Francisco
Gibbons, Oscar	Democrat	63	San Luis Obispo
Gillis, K. C.	Democrat	1	Yreka
Greer, W. W.	Republican	19	Oak Park
Griffiths, W. B.	Republican	15	Monticello
Hannmon, Percy V.	Republican	75	Los Angeles
Hanlon, William J.	Republican	74	Los Angeles
Hans, George J.	Republican	51	Fruitvale
Hawk, E. L.	Republican	18	2204 M street, Sacramento
Hayes, Daniel R.	Republican	57	San Jose
Hewitt, A. H.	Republican	8	Yuba City
Hinkle, E. C.	Republican	79	San Diego
Holmquist, H. E.	Democrat	53	Redwood City
Hopkins, James E.	D., I. L., U. L.	31	845 Bryant street, San Francisco
Irwin, Rowen	Democrat	60	Bakersfield
Johnson, Grove L.	Republican	17	720 H street, Sacramento
Johnson, Percy A.	Republican	80	Fallbrook
Johnson, P. H.	Democrat	10	Roseville
Johnston, T. D.	R. & U. L.	22	Richmond
Juilliard, Louis W.	Democrat	14	Santa Rosa
Kehoe, William	Republican	2	Eureka
Leeds, Walter R.	Republican	70	Los Angeles
Lightner, Charles	Democrat	45	524 Montgomery street, S. F.
Macaulay, Walter	R. & U. L.	28	315 Third street, San Francisco
Maher, J. B.	Democrat	54	Santa Cruz
McClellan, J. W.	Republican	3	Bridgeville
McManus, John J.	Republican	37	426 Shrader street, San Francisco
Melrose, Richard	Republican	77	Anaheim
Mendenhall, John L.	Democrat	12	Williams
Moore, E. B.	Republican	11	Copperopolis
Mort, John W.	Republican	49	Oakland
Nelson, Charles A.	R. & U. L.	32	1590 Twenty-first ave. South, S. F.
Odom, William R.	Democrat	60	Coalinga
Otis, Frank	Republican	47	Alameda
O'Neill, Florence J.	D. & U. L.	34	512 Jer-ey street, San Francisco
Perine, George M.	R. & U. L.	44	Hotel Stewart, San Francisco
Polsley, Harry	Democrat	5	Red Bluff
Preston, John W.	Democrat	6	Ukiah
Pugh, William C.	R. & U. L.	38	1872 McAllister st., San Francisco
Puicher, Harry W.	Republican	50	Oakland
Rech, J. N. O.	Republican	72	Los Angeles
Rutherford, F. M.	Republican	9	Truckee
Sackett, George L.	Republican	65	Ventura
Schmitt, Milton L.	Republican	40	1920 California st., San Francisco
Silver, Thomas J.	R. & U. L.	46	Pensacola
Stanton, P. A.	Republican	71	Los Angeles
Stuckenbruck, J. W.	Democrat	24	Acampo
Telfer, Robert L.	R. & U. L.	55	San Jose
Transue, J. P.	Republican	73	Los Angeles
Wagner, Charles W.	Republican	25	Madera
Weeber, W. J.	Democrat	62	Hanford
Wheelan, Albert P.	Democrat	42	1544 Polk street, San Francisco
Whitney, W. B.	Republican	13	Healdsburg
Wilson, Lawrence H.	Democrat	16	Winters
Wyatt, John J.	Republican	50	Salinas City
Wyllie, G. W.	Republican	27	Dinuba
Young, C. C.	Republican	52	2729 Derby street, Berkeley

COMMISSIONERS OF DEEDS.

Name.	Residence.	Term Expires.
Connecticut.		
Livingston W. Cleaveland	New Haven	February 5, 1912
District of Columbia.		
John E. Mitchell	Washington	March 30, 1912
Charles S. Bundy	Washington	December 8, 1910
Anson S. Taylor	Washington	February 16, 1911
Illinois.		
S. S. Willard	Chicago	January 17, 1911
Mark A. Foote	Chicago	May 12, 1912
Iowa.		
Addie M. Shaff	Iowa City	May 31, 1910
Kentucky.		
Newton C. Rogers	Louisville	January 16, 1911
Louisiana.		
John G. Eustis	New Orleans	February 16, 1911
Maryland.		
Abraham H. Fisher	Baltimore	August 8, 1910
Harry C. Mathiew	Baltimore	September 6, 1910
George W. Manley	Baltimore	October 27, 1912
Massachusetts.		
Charles H. Adams	Boston	January 17, 1911
New Jersey.		
James J. Teeling	Newark	May 10, 1910
New York.		
George H. Corey	New York City	November 18, 1911
Ella F. Braman	New York City	April 29, 1909
Edwin F. Corey	New York City	October 28, 1900
Samuel B. Goodale	New York City	January 4, 1910
William F. Lett	New York City	February 23, 1911
Joseph B. Braman	New York City	February 23, 1911
James M. Holland	New York City	April 29, 1911
Irvin J. Weil	New York City	April 13, 1912
William A. Armstrong	New York City	May 11, 1912
William P. Philips	New York City	June 29, 1912
Ohio.		
Joseph T. Harrison	Cincinnati	January 17, 1911
Oregon.		
A. P. Tift	Portland	August 15, 1910
L. F. Falkenstein	North Bend	April 3, 1913
Pennsylvania.		
Walter Morris	Pittsburg	August 10, 1911
Ferg's S. MacWilkie	Philadelphia	May 22, 1909
Wm. H. Paul	Philadelphia	January 25, 1910
Francis E. Fairman	Pittsburg	March 1, 1910
John S. Wurts	Philadelphia	May 15, 1910
Kinley J. Tener	Philadelphia	April 1, 1911
Thomas J. Hunt	Philadelphia	November 5, 1911
Robert W. Floyd	Philadelphia	April 1, 1911

COMMISSIONERS OF DEEDS—Continued.

Name.	Residence.	Term Expires.
Rhode Island.		
Gilman E. Jopp	Providence	December 4, 1911
Clark Burdick	Newport	November 4, 1909
Washington.		
Samuel S. Carlisle	Seattle	September 13, 1909
Great Britain.		
Michael J. Horgan	City of Cork, Ireland	August 11, 1912
Allan E. Messer	London, England	March 12, 1912
Sydney H. Peddar	London, England	February 5, 1912
William Negus	London, England	January 29, 1912
Lucas D. Gray	Ballaboy, Ireland	September 27, 1909
Robert W. Hamilton	Dowra, Ireland	November 6, 1909
T. Gato Worsfold	London, England	June 7, 1910
Geo. McIlidowie, Jr.	Belfast, Ireland	February 5, 1911
Francis W. Darch	London, England	April 1, 1911
Sydney R. Pollard	London, England	June 20, 1911
T. J. Macgrath	Dublin, Ireland	June 30, 1911
James T. Thompson	Birkenhead, England	December 6, 1911
C. L. A. Smith	Edinburgh	December 15, 1911
Mexico.		
W. J. De Gress	City of Mexico	September 1, 1909
Wm. H. Sinclair	City of Mexico	April 3, 1910
France.		
Frederick B. Harlow	Paris	January 25, 1910
Australia.		
Francis G. Clark	Sydney	March 20, 1911
Germany.		
Dr. Max Adler	Strassburg	August 3, 1910
Hawaii.		
J. M. Monsarratt	Honolulu	June 22, 1912
George A. Davis	Honolulu	October 15, 1912
J. S. Walker	Honolulu	July 11, 1909
William Savidge	Honolulu	January 10, 1910
John Guild	Honolulu	December 14, 1910
P. H. Burnette	Honolulu	March 1, 1913

CONSTITUTION OF THE STATE OF CALIFORNIA.

PREAMBLE AND DECLARATION OF RIGHTS.

PREAMBLE.

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

ARTICLE I.

DECLARATION OF RIGHTS.

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

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

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

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

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

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

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

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

SEC. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact. Indictments found, or

information laid, for publications in newspapers, shall be tried in the county where such newspapers have their publication office, or in the county where the party alleged to be libeled resided at the time of the alleged publication, unless the place of trial shall be changed for good cause.

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

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

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

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

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

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

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

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

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

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

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

SEC. 21. No special privileges or immunities shall ever be granted which may not be altered, revoked, or repealed by the Legislature, nor shall any citizen, or

class of citizens, be granted privileges or immunities which, upon the same terms, shall not be granted to all citizens.

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

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

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

ARTICLE II.

RIGHT OF SUFFRAGE.

SECTION 1. Every native male citizen of the United States, every male person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every male naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident of the State one year next preceding the election, and of the county in which he claims his vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his name, shall ever exercise the privileges of an elector in this State; *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age and upwards at the time this amendment shall take effect. [*Amendment adopted November 6, 1894.*]

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

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

SEC. 2. The sessions of the Legislature shall commence at twelve o'clock M. on the first Monday after the first day of January next succeeding the election of its members, and after the election held in the year 1880, shall be biennial, unless the Governor shall, in the interim, convene the Legislature by proclamation. No bill shall be introduced in either house forty days after the commencement of each session without the consent of three fourths of the members thereof. [*Amendment adopted November 3, 1908.*]

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

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

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

SEC. 6. For the purpose of choosing members of the Legislature, the State shall be divided into forty senatorial and eighty assembly districts, as nearly equal in population as may be, and composed of contiguous territory, to be called senatorial and assembly districts. Each senatorial district shall choose one Senator, and each assembly district shall choose one member of Assembly. The senatorial districts shall be numbered from one to forty, inclusive, in numerical order, and the assembly districts shall be numbered from one to eighty in the same order, commencing at the northern boundary of the State and ending at the southern boundary thereof. In the formation of such districts no county, or city and county shall

be divided, unless it contains sufficient population within itself to form two or more districts, nor shall a part of any county, or of any city and county, be united with any other county, or city and county, in forming any district. The census taken under the direction of the Congress of the United States in the year one thousand eight hundred and eighty, and every ten years thereafter, shall be the basis of fixing and adjusting the legislative districts; and the Legislature shall, at its first session after each census, adjust such districts and reapportion the representation so as to preserve them as near equal in population as may be. But in making such adjustment no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided for shall be made, Senators and Assemblymen shall be elected by the districts according to the apportionment now provided for by law.

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

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

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

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

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

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

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

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

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

SEC. 16. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, which shall enter such objections upon the journal and proceed to reconsider it. If after such reconsideration, it again 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 heretofore 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, and Judges of the Superior Courts, shall be liable to impeachment for any misdemeanor in office: but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall, nevertheless, be liable to indictment, trial, and punishment, according to law. All other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide.

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

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

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

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

SEC. 23. The members of the Legislature shall receive for their services, 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, employe 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, employe and attaché be increased after he is elected or appointed. [*New section; adopted November 3, 1908.*]

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

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

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

Second—For the punishment of crimes and misdemeanors.

Third—Regulating the practice of courts of justice.

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

Fifth—Granting divorces.

Sixth—Changing the names of persons or places.

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

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

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

Tenth—For the assessment or collection of taxes.

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

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

Thirteenth—Extending the time for the collection of taxes.

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

Fifteenth—Refunding money paid into the State treasury.

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

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

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

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

- Twentieth*—Exempting property from taxation.
Twenty-first—Changing county seats.
Twenty-second—Restoring to citizenship persons convicted of infamous crimes.
Twenty-third—Regulating the rate of interest on money.
Twenty-fourth—Authorizing the creation, extension, or impairing of liens.
Twenty-fifth—Chartering or licensing ferries, bridges, or roads.
Twenty-sixth—Itemitting fines, penalties, or forfeitures.
Twenty-seventh—Providing for the management of common schools.
Twenty-eighth—Creating offices, or prescribing the powers and duties of officers in counties, cities, cities and counties, township, election or school districts.
Twenty-ninth—Affecting the fees or salary of any officer.
Thirtieth—Changing the law of descent or succession.
Thirty-first—Authorizing the adoption or legitimation of children.
Thirty-second—For limitation of civil or criminal actions.
Thirty-third—In all other cases where a general law can be made applicable.

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

ARTICLE V.

EXECUTIVE DEPARTMENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

State, the President pro tempore of the Senate shall act as Governor until the vacancy in the office of Governor shall be filled at the next general election when members of the Legislature shall be chosen, or until such disability of the Lieutenant-Governor shall cease. In case of a vacancy in the office of Governor for any of the reasons above named, and neither the Lieutenant-Governor nor the President pro tempore of the Senate succeed to the powers and duties of Governor, then the powers and duties of such office shall devolve upon the Speaker of the Assembly, until the office of Governor shall be filled at such general election. [*Amendment adopted November 8, 1893.*]

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

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

SEC. 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers, as follows: Governor, ten thousand dollars per annum; Lieutenant-Governor, four thousand dollars, the Secretary of State, Controller, Treasurer and Surveyor-General, five thousand dollars each per annum, and the Attorney-General, six thousand dollars per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however*, that the Legislature may, by law, diminish the compensation of any or all of such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical service, in any office provided for in this article, exceeding eighteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor-General; and none of the officers 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, Justices of the Peace, and such inferior courts as the Legislature may establish in any incorporated city or town, or city and county. [*Amendment adopted November 8, 1904.*]

SEC. 2. The Supreme Court shall consist of a Chief Justice and six Associate Justices. The court may sit in departments and in bank, and shall always be open for the transaction of business. There shall be two departments, denominated, respectively, Department One and Department Two. The Chief Justice shall assign three of the Associate Justices to each department, and such assignment may be changed by him from time to time. The Associate Justices shall be competent to sit in either department, and may interchange with each other by agreement among themselves, or as ordered by the Chief Justice. Each of the departments shall have the power to hear and determine causes, and all questions arising therein, subject to the provisions hereinafter contained in relation to the court in bank. The presence of three justices shall be necessary to transact any business in either of the departments, except such as may be done at chambers, and the concurrence of three justices shall be necessary to pronounce a judgment. The

Chief Justice shall apportion the business to the departments, and may, in his discretion, order any cause pending before the court to be heard and decided by the court in bank. The order may be made before or after judgment pronounced by a department; but where a cause has been allotted to one of the departments, and a judgment pronounced thereon, the order must be made within thirty days after such judgment; and concurred in by two Associate Justices, and if so made it shall have the effect to vacate and set aside the judgment. Any four justices may, either before or after judgment by a department, order a case to be heard in bank. If the order be not made within the time above limited, the judgment shall be final. No judgment by a department shall become final until the expiration of the period of thirty days aforesaid, unless approved by the Chief Justice, in writing, with the concurrence of two Associate Justices. The Chief Justice may convene the court in bank at any time, and shall be the presiding justice of the court when so convened. The concurrence of four justices present at the argument shall be necessary to pronounce a judgment in bank; but if four justices, so present, do not concur in a judgment, then all the justices qualified to sit in the cause shall hear the argument; but to render a judgment a concurrence of four judges shall be necessary. In the determination of causes, all decisions of the court, in bank or in departments, shall be given in writing, and the grounds of the decision shall be stated. The Chief Justice may sit in either department, and shall preside when so sitting, but the justices assigned to each department shall select one of their number as presiding justice. In case of the absence of the Chief Justice from the place at which the court is held, or his inability to act, the Associate Justices shall select one of their own number to perform the duties and exercise the powers of the Chief Justice during such absence or inability to act.

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

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

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

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

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

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

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

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

persons shall be members of the same political party. At the election in the year nineteen hundred and six nine of such justices shall be elected as above provided, and the justices of each District Court of Appeal shall so classify themselves by lot that one of them shall go out of office at the end of four years, one of them at the end of eight years, and one of them at the end of twelve years; an entry of such classification shall be made in the minutes of the court, signed by the three justices thereof, and a duplicate thereof filed in the office of the Secretary of State. If any vacancy occur in the office of a Justice of the District Courts of Appeal, the Governor shall appoint a person to hold office until the election and qualification of a justice to fill the vacancy; such election shall take place at the next succeeding general State election as aforesaid: the justice then elected shall hold the office for the unexpired term.

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

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

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

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

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

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

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

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

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

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

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

SEC. 10. Justices of the Supreme Court, and of the District Courts of Appeal, and Judges of the Superior Courts may be removed by concurrent resolution of both houses of the Legislature adopted by a two-thirds vote of each house. All other judicial officers, except Justices of the Peace, may be removed by the Senate on the recommendation of the Governor; but no removal shall be made by virtue of this section unless the cause thereof be entered on the journal, nor unless the party complained of has been served with a copy of the complaint against him and shall have had an opportunity of being heard in his defense. On the question of removal the yeas and nays shall be entered on the journal. [*Amendment adopted November 8, 1904.*]

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

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

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

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

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

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

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

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

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

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

SEC. 21. The Supreme Court may appoint a reporter and not more than three assistant reporters of the decisions of the Supreme Court and of the District Courts

of Appeal. Each of the District Courts of Appeal shall appoint its own clerk. All the officers herein mentioned shall hold office and be removable at the pleasure of the courts by which they are severally appointed, and they shall receive such compensation as shall be prescribed by law, and discharge such duties as shall be prescribed by law, or by the rules or orders of the courts by which they are severally appointed. [*Amendment adopted November 8, 1904.*]

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

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

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

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

ARTICLE VII.

PARDONING POWER.

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

ARTICLE VIII.

MILITIA.

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

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

ARTICLE IX.

EDUCATION.

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

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

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

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

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

SEC. 6. The public school system shall include 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; and said State Board shall perform such other duties as may be prescribed by law. The Legislature shall provide for a Board of Education in each county in the State. The County Superintendents and the County Boards of Education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions. [*Amendment adopted November 6, 1894.*]

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

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

SEC. 10. The trusts and estates created for the founding, endowment, and maintenance of the Leland Stanford Junior University, under and in accordance with "An Act to advance learning, etc.," approved March ninth, eighteen hundred and eighty-five, by the endowment grant executed by Leland Stanford and Jane Lathrop Stanford on the eleventh day of November, A. D. eighteen hundred and eighty-five, and recorded in liber eighty-three of deeds, at page twenty-three, *et seq.*, records of Santa Clara County, and by the amendments of such grant, and by gifts, grants, bequests, and devises supplementary thereto, and by confirmatory grants, are permitted, approved, and confirmed. The board of trustees of the Leland Stanford Junior University, as such, or in the name of the institution, or by other intelligible designation of the trustees or of the institution, may receive property, real or personal, and wherever situated, by gift, grant, devise, or bequest, for the benefit of the institution, or of any department thereof, and such property, unless otherwise provided, shall be held by the trustees of the Leland Stanford Junior University upon the trusts provided for in the grant founding the university, and amendments thereof, and grants, bequests, and devises supplementary thereto. The Legislature, by special act, may grant to the trustees of the Leland Stanford Junior University corporate powers and privileges, but it shall not thereby alter their tenure, or limit their powers or obligations as trustees. All property now or hereafter held in trust for the founding, maintenance, or benefit of the Leland Stanford Junior University, or of any department thereof, may be exempted by special act from State taxation, and all personal property so held, the Pulo Alto farm as described in the endowment grant to the trustees of the university, and all other real property so held and used by the university for educational purposes exclusively, may be similarly exempted from county and municipal taxation; *provided*, that residents of California shall be charged no fees for tuition unless such fees be authorized by act of the Legislature. [*New section; adopted November 6, 1900.*]

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

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

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

ARTICLE X.

STATE INSTITUTIONS AND PUBLIC BUILDINGS.

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

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

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

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

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

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

ARTICLE XI.

COUNTIES, CITIES, AND TOWNS.

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

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

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

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

SEC. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to duties, and 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.

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

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

SEC. 8. Any city containing a population of more than three thousand five hundred inhabitants may frame a charter for its own government, consistent with and subject to the Constitution, (or, having framed such a charter, may frame a new one,) by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy to the Mayor thereof, or other chief executive officer of such city, and the other to the Recorder of the county. Such proposed charter shall then be published in two daily newspapers of general circulation in such city, for at least

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 14. No State office shall be continued or created in any county, city, town, or other municipality, for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity: but such county, city, town, or municipality may, when authorized by general law, appoint such officers.

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

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

SEC. 16¼. 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; adapted November 6, 1906.*]

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

SEC. 18. No county, city, town, township, board of education, or school districts, shall incur any indebtedness or liability in any manner or for any purpose

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

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

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

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

ARTICLE XII.

CORPORATIONS.

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

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

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

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. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States.

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

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

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

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

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

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

SEC. 12. In all elections for directors or managers of corporations every stockholder shall have the right to vote, in person or by proxy, the number of shares of stock owned by him, for as many persons as there are directors or managers to be

elected, or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them, on the same principle, among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner, except that members of 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 company or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying. And whenever a railroad corporation shall, for the purpose of competing with any other common carrier, lower its rates for transportation of passengers or freight from one point to another, such reduced rates shall not be again raised or increased from such standard without the consent of the governmental authority in which shall be vested the power to regulate fares and freights.

SEC. 21. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this State, or coming from or going to any other State. Persons and property transported over any railroad, or by any other transportation company or

individual, shall be delivered at any station, landing, or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port, or landing. Excursion and commutation tickets may be issued at special rates.

SEC. 22. The State shall be divided into three districts as nearly equal in population as practicable, in each of which one Railroad Commissioner shall be elected by the qualified electors thereof at the regular gubernatorial elections, whose salary shall be fixed by law, and whose term of office shall be four years, commencing on the first Monday after the first day of January next succeeding their election. Said Commissioners shall be qualified electors of this State and of the district from which they are elected, and shall not be interested in any railroad corporation, or other transportation company, as stockholder, creditor, agent, attorney, or employé; and the act of a majority of said Commissioners shall be deemed the act of said Commission. Said Commissioners shall have the power, and it shall be their duty, to establish rates of charges for the transportation of passengers and freight by railroad or other transportation companies, and publish the same from time to time, with such changes as they may make; to examine the books, records, and papers of all railroad and other transportation companies, and for this purpose they shall have power to issue subpoenas and all other necessary process; to hear and determine complaints against railroad and other transportation companies, to send for persons and papers, to administer oaths, take testimony, and punish for contempt of their orders and processes, in the same manner and to the same extent as courts of record, and enforce their decisions and correct abuses through the medium of the courts. Said Commissioners shall prescribe a uniform system of accounts to be kept by all such corporations and companies. Any railroad corporation or transportation company which shall fail or refuse to conform to such rates as shall be established by such Commissioners, or shall charge rates in excess thereof, or shall fail to keep their accounts in accordance with the system prescribed by the Commission, shall be fined not exceeding twenty thousand dollars for each offense; and every officer, agent, or employé of any such corporation or company, who shall demand or receive rates in excess thereof, or who shall in any manner violate the provisions of this section, shall be fined not exceeding five thousand dollars, or be imprisoned in the county jail not exceeding one year. In all controversies, civil or criminal, the rates of fares and freights established by said Commission shall be deemed conclusively just and reasonable, and in any action against such corporation or company for damages sustained by charging excessive rates, the plaintiff, in addition to the actual damage, may, in the discretion of the judge or jury, recover exemplary damages. Said Commission shall report to the Governor, annually, their proceedings, and such other facts as may be deemed important. Nothing in this section shall prevent individuals from maintaining actions against any of such companies. The Legislature may, in addition to any penalties herein prescribed, enforce this article by forfeiture of charter or otherwise, and may confer such further powers on the Commissioners as shall be necessary to enable them to perform the duties enjoined on them in this and the foregoing section. The Legislature shall have power, by a two-thirds vote of all the members elected to each house, to remove any one or more of said Commissioners from office, for dereliction of duty, or corruption, or incompetency; and whenever, from any cause, a vacancy in office shall occur in said Commission, the Governor shall fill the same by the appointment of a qualified person thereto, who shall hold office for the residue of the unexpired term, and until his successor shall have been elected and qualified.

SEC. 23. Until the Legislature shall district the State, the following shall be the railroad districts: The First District shall be composed of the counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Humboldt, Lake, Lassen, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba, from which one Railroad Commissioner shall be elected. The Second District shall be composed of the counties of Marin, San Francisco, and San Mateo, from which one Railroad Commissioner shall be elected. The Third District shall be composed of

the counties of Alameda, Contra Costa, Fresno, Inyo, Kern, Los Angeles, Mariposa, Merced, Mono, Monterey, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Stanislaus, Tulare, Tuolumne, and Ventura, from which one Railroad Commissioner shall be elected.

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

ARTICLE XIII.

REVENUE AND TAXATION.

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

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

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

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

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

SEC. 4. A mortgage, deed of trust, contract, or other obligation by which a debt is secured, shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property affected thereby. Except as to railroad and other quasi-public corporations, in case of debt so secured, the value of the property affected by such mortgage, deed of trust, contract, or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city, or district in which the property affected thereby is situate. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the owner of the security, the tax so levied upon the property affected thereby shall become a part of the debt so secured; if the owner of the property shall pay the tax so levied on such security, it shall constitute a payment thereon, and to the extent of such payment, a full discharge thereof; *provided*, that if any such security or indebtedness shall be paid by any such debtor or debtors, after assessment and before the tax levy, the amount of such levy may likewise be retained by such debtor or debtors, and shall be computed according to the tax levy for the preceding year.

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

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

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

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

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

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

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

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

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

SEC. 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.

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 irrepealable until the principal and interest thereon shall be paid and discharged and such law may make provision for a sinking fund to pay the principal of such debt or liability to commence at a time after the incurring of such debt or liability of not more than a period of one fourth of the time of maturity of such debt or liability; but no such law shall take effect until, at a general election, it shall have been sub-

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

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

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

ARTICLE XX.

MISCELLANEOUS SUBJECTS.

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

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

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

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability."

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

SEC. 4. All officers or commissioners whose election or appointment is not pro-

vided for by this Constitution, and all officers or commissioners whose offices or duties may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

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

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

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

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

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

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

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

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

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

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

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

SEC. 16. When the term of any officer or commissioner is not provided for in this Constitution, the term of such officer or commissioner may be declared by law; and, if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years; *provided, however,* that in the case of any officer or employé of any municipality governed under a legally adopted charter, the provisions of such charter with reference to the tenure of office or the dismissal from office of any such officer or employé shall control. [*Amendment adopted November 6, 1906.*]

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

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

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

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

ARTICLE XXI.

BOUNDARY.

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

ARTICLE XXII.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments 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 board shall immediately certify the same, in the usual form, to the Governor of the State of California.

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

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

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

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

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

J. P. HOGE, President.

Attest: EDWIN F. SMITH, Secretary.

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

STATUTES OF CALIFORNIA

PASSED AT

THE THIRTY-EIGHTH SESSION OF THE LEGISLATURE.

CHAPTER 1.

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

[Approved January 11, 1900.]

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

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

Appropriation.

Expenses of electors of president and vice-president.

SEC. 2. This act shall take effect immediately.

CHAPTER 2.

An act to amend section 266 of the Political Code of the State of California, relative to compensation and mileage of members of the legislature.

[Approved January 11, 1900.]

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

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

266. Members of the legislature shall receive the sum of one thousand dollars as compensation for services during each regular session, payable as follows: Ten dollars per day payable weekly during such regular session until one thousand dollars is paid. In the event of final adjournment before the said one thousand dollars is paid, then the balance shall be immediately payable. For each special or extraordinary session they shall receive ten dollars per day for a term not exceeding thirty days,

Compensation of members for regular sessions.

Special sessions.

Mileage.

payable weekly. Members shall receive for each regular, special or extraordinary session ten cents per mile for each mile of travel to and from their residences and the place of holding the session.

SEC. 2. This act shall take effect immediately.

CHAPTER 3.

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

[Approved January 13, 1900.]

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

Appropriation.

Additional stenographer to governor.

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

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

SEC. 3. This act shall take effect immediately.

CHAPTER 4.

An act declaring Friday, February twelfth, 1909, the 100th birthday of Abraham Lincoln, a legal holiday and providing for a half-day session of the public schools for that day.

[Approved January 20, 1909.]

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

Lincoln day, 1909.
Public schools to observe.

SECTION 1. Friday, February twelfth, 1909, the 100th anniversary of the birth of Abraham Lincoln, is hereby declared a legal holiday, *provided, however*, that all public schools throughout the state shall hold sessions in the forenoon of the day in order to allow the customary exercises in memory of the martyred president.

SEC. 2. This act shall take effect immediately.

CHAPTER 5.

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

[Approved January 22, 1909.]

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

SECTION 1. The sum of fifty thousand dollars is hereby transferred from the general fund to the state printing fund, to defray the printing expenses of the thirty-eighth session of the legislature.

Appropriation.
Legislative printing.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 6.

An act to provide for the payment of expenses incurred in making repairs on and in the capitol building, and for the furnishing of the legislative chambers and the clerks', officers', and committee rooms therein, and all other necessary expenses incurred in so doing, and to make appropriation for the same.

[Approved February 3, 1909.]

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

SECTION 1. The sum of seventy-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the moneys of the state treasury not otherwise appropriated, to be paid to the joint order of the president of the senate and the speaker of the assembly, to be by them expended as follows: For the payment of the expenses incurred in making repairs on and in the capitol building and for the furnishing of the legislative chambers, clerks', officers' and committee rooms therein, and all other necessary expenses incurred in so doing.

Appropriation.
Repairs on capitol.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrants in favor of the person designated by the joint order of the president of the senate and the speaker of the assembly in such amounts and at such times as

may be approved by the state board of examiners, and the treasurer is directed to pay the same.

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

CHAPTER 7.

An act to make an appropriation to pay the per diem and mileage of assemblymen for the thirty-eighth session of the legislature of the State of California, during the sixtieth fiscal year.

[Approved February 5, 1900.]

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

Appropriation.
Per diem and mileage of assemblymen.

SECTION 1. The sum of forty-seven thousand eight hundred forty-seven and 60-100 (47,847.60) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the per diem and mileage of assemblymen for the thirty-eighth session of the legislature of the State of California, during the sixtieth fiscal year.

SEC. 2. This act shall take effect immediately.

CHAPTER 8.

An act making an appropriation to pay the claim of the Southern Construction Co. against the State of California.

[Approved February 5, 1900.]

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

Appropriation.
Claim of Southern Construction Company.

SECTION 1. The sum of one thousand seventy-seven dollars and twenty-three cents (\$1,077.23) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of the Southern Construction Co. against the State of California.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 9.

An act making an appropriation to pay the claim of J. E. Clause against the State of California.

[Approved February 5, 1909.]

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

SECTION 1. The sum of seven hundred and ninety-three dollars and seventy-nine cents (\$793.79) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of J. E. Clause against the State of California.

Appropriation.
Claim of J. E. Clause.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 10.

An act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners and insane and delinquent and feeble-minded children for the fifty-ninth and sixtieth fiscal years.

[Approved February 5, 1909.]

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

SECTION 1. The sum of thirty-three thousand dollars (\$33,000.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for transportation of prisoners and insane and delinquent and feeble-minded children for the fifty-ninth and sixtieth fiscal years.

Deficiency appropriation.
Transportation of prisoners.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 11.

An act making an appropriation to pay the deficiency in the appropriation made by chapter 8, statutes of 1905, relative to payment of rental, cost of moving and other necessary expenses incurred by different state officers.

[Approved February 5, 1909.]

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

Deficiency appropriation.

Rental of temporary state offices.

SECTION 1. The sum of forty-five hundred thirty-three dollars and forty-six cents (\$4533.46) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation made by chapter 8, statutes of 1905 entitled "An act appropriating money to pay the rental, cost of moving and other necessary expenses incurred and to be incurred by the different state officers who were forced to find temporary quarters during the present repair work to the state capitol building."

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

SEC. 3. This act shall take effect immediately.

CHAPTER 12.

An act making an appropriation to pay the deficiency in the appropriation for the support of the Veterans' Home of California for the fifty-ninth and sixtieth fiscal years.

[Approved February 5, 1909.]

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

Deficiency appropriation.

Support of Veterans' Home.

SECTION 1. The sum of forty-two thousand dollars (\$42,000.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for the support of the Veterans' Home of California for the fifty-ninth and sixtieth fiscal years.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 13.

An act making an appropriation to pay the deficiency in the appropriation made by chapter 212, statutes 1905, relative to improvements at the state printing office.

[Approved February 5, 1909.]

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

SECTION 1. The sum of four hundred seventy-nine dollars and fifty-seven cents (\$479.57) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation made by chapter 212, statutes 1905, entitled "An act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the state printing office and bindery, and specifying the duties of the superintendent of state printing, board of examiners, state controller and state treasurer in relation thereto." Deficiency appropriation.
Improvements at state printing office.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 14.

An act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the state veterinarian and assistant for the fifty-ninth fiscal year.

[Approved February 5, 1909.]

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

SECTION 1. The sum of fifteen hundred dollars (\$1500.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for contingent and traveling expenses of the state veterinarian and assistant for the fifty-ninth fiscal year. Deficiency appropriation.
Expenses of state veterinarian.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 15.

An act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the fifty-ninth fiscal year.

[Approved February 5, 1909.]

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

Deficiency appropriation.
Aid to State Agricultural Society.

SECTION 1. The sum of seventy-six hundred five dollars and sixty-one cents (\$7605.61) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for aid to the State Agricultural Society for the fifty-ninth fiscal year.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 16.

An act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the department of engineering for the fifty-ninth and sixtieth fiscal years.

[Approved February 5, 1909.]

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

Deficiency appropriation.
Expenses of department of engineering.

SECTION 1. The sum of five thousand dollars (\$5,000.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for contingent and traveling expenses of the department of engineering for the fifty-ninth and sixtieth fiscal years.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 17.

An act making an appropriation to pay the deficiency in the appropriation for salaries of officers and employees of the Preston School of Industry for the sixtieth fiscal year.

[Approved February 5, 1900.]

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

SECTION 1. The sum of twelve thousand three hundred dollars (\$12,300.00) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the deficiency in the appropriation for salaries of officers and employees of the Preston School of Industry for the sixtieth fiscal year, in accordance with the action of the state board of examiners in permitting said institution to overdraw the one twenty-fourth part of said appropriation per month.

Deficiency appropriation.

Salaries at Preston School of Industry.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the board of trustees of said Preston School of Industry for the amount appropriated by section one of this act, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 18.

An act making an appropriation to pay the deficiency in the appropriation for support of the Preston School of Industry for the sixtieth fiscal year.

[Approved February 5, 1900.]

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

SECTION 1. The sum of thirty-three thousand dollars (\$33,000.00) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the deficiency in the appropriation for support of the Preston School of Industry for the sixtieth fiscal year, in accordance with the action of the state board of examiners in permitting said institution to overdraw the one-twenty-fourth part of said appropriation per month.

Deficiency appropriation.

Support of Preston School of Industry.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the board of trustees of said Preston School of Industry for the amount appropriated by section one of this act, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 19.

An act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the state for the fifty-eighth, fifty-ninth and sixtieth fiscal years.

[Approved February 5, 1909.]

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

Deficiency appropriation.

Arrest of criminals without the state.

SECTION 1. The sum of seven thousand dollars (\$7,000.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for arresting criminals without the state for the fifty-eighth, fifty-ninth and sixtieth fiscal years.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 20.

An act making an appropriation to pay the deficiency in the appropriation for support and expenses of the state board of horticulture for the fifty-ninth fiscal year.

[Approved February 5, 1909.]

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

Deficiency appropriation.

Expenses of state board of horticulture.

SECTION 1. The sum of sixteen hundred ninety-three dollars and eighty-five cents (\$1693.85) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for support and expenses of the state board of horticulture for the fifty-ninth fiscal year.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 21.

An act to add a new section to the Code of Civil Procedure of the State of California to be numbered section sixty-seven a, relating to the number of superior court judges and providing for the appointment of three additional superior court judges in and for counties of the second class, and providing for their compensation.

[Approved February 11, 1909.]

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

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

67a. In counties of the second class there shall be twelve judges of the superior court, any one or more of whom may hold court, and there may be as many sessions of said court at the same time as there are judges thereof. The said judges shall choose from their own number a presiding judge, who may at any time be removed as presiding judge and another judge chosen in his place by a vote of any seven of them. The presiding judge shall distribute the business of the court among the judges thereof, and prescribe the order of business and perform such other duties as the judges of the said court may by rule provide. The judgments, orders and proceedings of any session of the superior court held by any one or more of the judges of said court shall be equally as effective as if all the said judges of said court presided as such session. Within thirty days after this act becomes a law, the governor shall appoint three additional judges of the superior court in counties of the second-class in addition to the nine superior court judges already provided for by law in and for the said county of Los Angeles, State of California, who shall hold office until the first Monday after the first day of January, 1911. At the next general election to be held in November, A. D. 1910, three additional judges of the superior court shall be elected in counties of the second class, who shall be successors of the judges appointed hereunder to hold office for the term prescribed by the constitution and by law. The salaries of said additional judges shall be the same in amount and be paid in the same manner and at the same time as the salaries of the other judges of the superior court of Los Angeles county now authorized by law.

Number of judges, Los Angeles county.

When governor shall appoint.

When judges shall be elected.

Salaries.

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

CHAPTER 22.

An act to amend an act, entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending section 2 thereof.

[Approved February 11, 1900.]

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

SECTION 1. Section two of an act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes, approved March 31, 1897, is hereby amended to read as follows:

Section 2. In order to propose the organization of an irrigation district, a petition shall be presented to the board of supervisors of the county in which the lands within the proposed district, or the greater portion thereof, are situated, signed by the required number of holders of title, or evidence of title, to lands within such proposed district, and representing the requisite majority in value of said lands, which petition shall set forth generally the boundaries of the proposed district, and also shall state generally the source or sources (which may be in the alternative), from which said lands are proposed to be irrigated, and shall pray that the territory embraced within the boundaries of the proposed district may be organized as an irrigation district under the provisions of this act. The petition may consist of any number of separate instruments and must be accompanied with a good and sufficient undertaking to be approved by said board of supervisors, in double the amount of the probable cost of organizing such district, conditioned that the sureties shall pay all of said costs, in case said organization shall not be effected. Said petition shall be presented at a regular meeting of said board, and shall be published for at least two weeks before the time at which the same is to be presented, in some newspaper of general circulation printed and published in the county where said petition is presented, together with a notice stating the time of the meeting at which the same will be presented; and if any portion of the lands within said proposed district lie within another county or counties then said petition and notice shall be published, as above provided, in a newspaper published in each of said counties. When con-

How district shall be organized; petition for.

Undertaking.

Publication of petition.

tained upon more than one instrument, one copy only of such petition need be published, but the names attached to all of said instruments must appear in such publication. When such petition is presented, said board of supervisors shall hear the same, and may adjourn such hearing from time to time, not exceeding four weeks in all. No defect in the contents of the petition or in the title to or form of the notice or signatures, or lack of signatures, thereto shall vitiate any proceedings thereon, provided such petition or petitions have a sufficient number of qualified signatures attached thereto. On the final hearing said board shall make such changes in the proposed boundaries as may be deemed advisable, and shall define and establish such boundaries. But said board shall not modify said boundaries so as to exclude from such proposed district any territory which is susceptible of irrigation from any of the sources proposed; nor shall any lands which will not, in the judgment of said board, be benefited by irrigation, by means of any of said systems of works, be included within such proposed district. Any person whose lands are susceptible of irrigation from any of the proposed sources, may, upon his application, in the discretion of said board, have such lands included within said proposed district.

SEC. 2. This act shall take effect immediately.

Hearing
by super-
visors.

Establish-
ment of
bound-
aries.

CHAPTER 23.

An act to add a new section to the Code of Civil Procedure to be numbered seventeen hundred and twenty-four relating to establishing who are the heirs at law or devisees of persons to whom patent for lands has been issued in cases where the person entering such lands dies before the issuance of such patent.

[Approved February 11, 1900.]

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

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

1724. Whenever any person shall have entered any land in the United States and dies before patent for the same shall have been issued and patent thereafter is issued to the heirs at law of such decedent, any person interested in such lands as heir at law or devisee or the administrator or executor of any of them if deceased, may file a petition in the superior court of the State of California in and for the county wherein said land or any part thereof is situate setting forth the date of the death of such decedent, the date of the issuance of such patent

Petition
for decre-
establish-
ing who
are heirs.

and that the same was issued to the heirs at law of such deceased person, and the land described therein and the names, ages and residences if known, of the heirs at law of such deceased persons and a request that a decree be entered in said court establishing who are the heirs at law of such deceased person. Upon the filing of such petition the clerk of the court must make an order fixing the time and place of hearing of said petition which time must not be less than ten days nor more than thirty days from the filing of said petition.

Order fixing time of hearing.

Notice of time of hearing.

Notice of the time and place for the hearing of said petition must be given by the clerk by posting of notices thereof in three or more public places in said county at least ten days prior to the date fixed for said hearing. At any time before the date fixed for such hearing any person interested in said lands as heir at law or devisee of such decedent may answer said petition and deny any of the matters contained therein. At the time fixed for said hearing or at such time thereafter as may be fixed by the court, the court must hear the proofs offered by petitioner and the person answering the same, if there be any answer thereto, and must make a decree conformable to the proofs. Such decree shall have the same force and effect as decrees entered in accordance with the provisions of part III title XI of this code.

Proofs.

Effect of decree.

CHAPTER 24.

An act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California, as recommended in the special report of the California debris commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, chief of engineers, C. H. McKinstry, major, corps of engineers, and Thomas H. Jackson, captain, corps of engineers, of the United States army, and printed with the annual report of the chief of engineers of the United States army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

[Approved February 12, 1909.]

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

Appropriation.

SECTION 1. The sum of four hundred thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, one hundred thousand dollars of which shall be available immediately, and the remaining three hundred thousand dollars of which shall be available January 1, 1910, for the accomplishment of the work of the direct

improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California as recommended in the special report of the California debris commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, chief of engineers, C. H. McKinstry, major, corps of engineers and Thomas H. Jackson, captain, corps of engineers, of the United States army, and printed with the annual report of the chief of engineers, of the United States army for the fiscal year ending June 30, 1907.

Improvement of navigation of rivers Sacramento, San Joaquin, and Feather.

SEC. 2. The governor of the State of California shall have charge and control of the expenditure of all moneys appropriated hereunder, and he is hereby authorized to enter into and to execute any contract or contracts with the United States government, or any department thereof, for the performance of the work, or any part thereof, provided for by this act, or to purchase materials, machinery, power, labor or any other things necessary for such work, and generally to do any and all things necessary or proper to effectually carry into operation the work sought to be accomplished hereby.

Control of moneys appropriated.

SEC. 3. All contracts made hereunder shall provide specifically that only one half of the contract price of any work performed, or to be performed under this act, shall be paid by the state, and in case said work or any part thereof, shall be performed in any other manner than by contract, only one half of the expense of such work or of any matters incident thereto shall be paid by the state.

Terms of contracts.

SEC. 4. This act shall become operative only upon condition that the government of the United States shall, under, by and through the war department, assume full charge and control of all work to be done as provided by this act, and also upon condition that a like sum of four hundred thousand dollars be appropriated by the United States for such work.

Conditions of act.

SEC. 5. The controller of the State of California is hereby authorized and directed, upon request of the governor, to draw his warrant on the state treasurer from time to time and for such portion of said sum of four hundred thousand dollars, and in favor of such person, corporation, or other parties, as the governor may designate, and the state treasurer is hereby directed and empowered to pay such warrants.

Warrants against appropriation.

CHAPTER 25.

An act to make an appropriation to pay the per diem and mileage of the lieutenant-governor and senators for the thirty-eighth session of the legislature of the State of California, during the sixtieth fiscal year.

[Approved February 12, 1909.]

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

Appropriation.
Per diem
and
mileage of
senators.

SECTION 1. The sum of twenty-three thousand six hundred thirty-six and 20/100 (\$23,636.20) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the per diem and mileage of the lieutenant-governor and senators for the thirty-eighth session of the legislature of the State of California, during the sixtieth fiscal year.

SEC. 2. This act shall take effect immediately.

CHAPTER 26.

An act to amend an act entitled "An act to establish a Civil Code," approved March 21, 1872, by adding thereto title XXI of part IV of division first of said act relating to and providing for the incorporation, organization, management, and coöperation of agricultural, viticultural and horticultural non-profit coöperative associations.

[Approved February 12, 1909.]

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

SECTION 1. A new title to be XXI of part IV of division first is hereby added to an act entitled "An act to establish a Civil Code," approved March 21, 1872, and known as the Civil Code, to read as follows:

TITLE XXI.

NON-PROFIT CO-OPERATIVE AGRICULTURAL, VITICULTURAL AND HORTICULTURAL ASSOCIATIONS.

- Sec. 653m. Formation and purposes of.
- Sec. 653n. Membership.
- Sec. 653o. Articles of incorporation.
- Sec. 653p. By-laws.
- Sec. 653q. Powers of association.
- Sec. 653r. Amendment of articles of incorporation.
- Sec. 653s. Quo warranto.

Formation
and
powers of.

653m. Three or more persons engaged in the production, preserving, drying, packing, shipping, or marketing of agricultural, viticultural or horticultural products, or all of them,

may form a non-profit coöperative association under the provisions of this title, to carry on said business, and such association shall have, and may exercise, the powers authorized by this title, and the powers necessarily incidental thereto, and all other powers granted to private corporations by the laws of this state, except such powers as are inconsistent with those granted by this title.

653n. Such association shall not have a capital stock, and its business shall not be carried on for profit. Any person or any number of persons, in addition to the original incorporators, may become members of such association, upon such terms and conditions as to membership, and subject to such rules and regulations as to their, and each of their, contract and other rights and liabilities between it and the member, as the said association shall provide in its by-laws. The association shall issue a certificate of membership to each member, but the said membership, or the said certificate thereof, shall not be assigned by a member to any other person, nor shall the assigns thereof be entitled to membership in the association, or to any property rights or interest therein. Nor shall a purchaser at execution sale, or any other person who may succeed, by operation of law or otherwise to the property interests of a member, be entitled to membership, or become a member of the association by virtue of such transfer. The board of directors may, however, by motion duly adopted by it, consent to such assignment or transfer and to the acceptance of the assignee or transferee as a member of the association, but the association shall have the right, by its by-laws, to provide for or against the transfer of membership and for or against the assignment of membership certificates, and also the terms and conditions upon which any such transfer or assignment shall be allowed.

653o. Each association formed under this title must prepare and file articles of incorporation setting forth:

1. The name of the association.
2. The purpose for which it is formed.
3. The place where its principal business will be transacted.
4. The term for which it is to exist, not exceeding fifty years.
5. The number of directors thereof, which must not be less than three and which may be any number in excess thereof, and the names and residences of those selected for the first year and until their successors shall have been elected, and shall have accepted office.

6. Whether the voting power and the property rights and interest of each member shall be equal or unequal, and if unequal the articles shall set forth a general rule or rules applicable to all members by which the voting power and the property rights and interests, respectively, of each member may and shall be determined and fixed, but the association shall have power to admit new members who shall be entitled

to vote and to share in the property of the association with the old members, in accordance with such general rule. This provision of the articles of incorporation shall not be altered, amended, or repealed except by the unanimous written consent or the vote of all of the members.

7. Said articles must be subscribed by the original members and acknowledged by one of them before an officer authorized by the law of this state, to take and certify acknowledgments of deeds of conveyance, and shall be filed in accordance with the provisions of section 296 of this code, and when so filed the said articles of incorporation or certified copies thereof shall be received in all the courts of this state, and other places, as prima facie evidence of the facts contained therein.

Code of
by-laws.

653p. Each association incorporated under this title must, within thirty days after its incorporation, adopt a code of by-laws for its government and management not inconsistent with the provisions of this title. A majority vote of the members or the written assent of members representing a majority of the votes, is necessary to adopt such by-laws. The provisions of sections 303 and 304 of this code, which are not inconsistent with the provisions of this title, shall apply to the by-laws of the corporations provided for in this title. Each association may also, by its by-laws adopted as aforesaid, provide for the following matters:

Removal of
directors.

1. The manner of removal of any one or more of its directors and for filling any and all vacancies in the board of directors.

Number of
directors.

2. The number of directors and the number of members or votes thereof constituting a quorum.

Conditions
of mem-
bership.

3. The conditions upon which and the time when membership of any member in the association shall cease; the mode, manner and effect of expulsion of a member, subject to the right of the expelled member to have the board of directors equitably appraise his property interests in the association and to fix the amount thereof in money, and to have the money paid to him within sixty days after such expulsion.

Member-
ship fee.

4. The amount of membership fee, if any, and the amount which each member shall be required to pay annually, or from time to time, if at all, to carry on the business of the association, and also the compensation, if any, to be paid by each member for any services rendered by the association to him, and the time of payment and the manner of collecting the same, and for forfeiture of the interest of the member in the association for non-payment of the same.

qualifica-
tions of
members.

5. The number and qualifications of members of the association and the conditions precedent to membership and the method, time and manner of permitting members to withdraw, and providing for the assignment and transfer of the interest of members, and the manner of determining the value of such interest and providing for the purchase of such interest by the association upon the death, withdrawal or expulsion of a member or upon the forfeiture of his membership, at the option of the association.

6. Permitting members to vote by their proxies, and determining the conditions, manner, form and effect thereof. Proxies.

653g. Each association incorporated under this title shall have the powers granted by the provisions of this code and other laws of California relating to private corporations, and shall also have the following powers: Powers of association.

1. To appoint such agents and officers as its business may require, and such appointed agents may be either persons or corporations; to admit persons to membership in the association, and to expel any member pursuant to the provisions of its by-laws: to forfeit the membership of any member for violation of any agreement between him and the association, or for his violation of its by-laws. To appoint agents.

2. To purchase or otherwise acquire, hold, own, sell and otherwise dispose of any and every kind or kinds of real and personal property necessary to carry on its business, and to acquire by purchase or otherwise the interest of any member in the property of the association. To purchase property.

3. Upon the written assent or by a vote of members representing two-thirds of the total votes of all members to cooperate with any other cooperative corporation or corporations for the cooperative and more economical carrying on of their respective businesses, by consolidation as provided in section 653i of this code, whereupon the effect of such consolidation shall be the same as declared in said section; or upon resolution, adopted by its board of directors, to enter into all necessary and proper contracts and agreements, and to make all necessary and proper stipulations and arrangements with any other cooperative corporation or corporations for the cooperative and more economical carrying on of its business, or any part or parts thereof; or any two or more cooperative corporations organized under this title, upon resolutions, adopted by their respective board of directors, may, for the purpose of more economically carrying on their respective businesses, by agreement between them, unite in employing and using, or several associations may separately employ and use, the same methods, means and agencies, for carrying on and conducting their respective businesses. To cooperate with other corporations.

4. Any association formed or consolidated under this title may be dissolved and its affairs wound up voluntarily by the written request of members representing two-thirds of the total votes, in the manner and with the effect provided in section 653j of this code, except that the moneys remaining after liquidation shall be divided among the members in proportion to their property interests therein. Dissolution.

653r. Any corporation, whether stock or membership, heretofore incorporated under the laws of this state for the purpose of engaging in and carrying on the business specified in section 653m of this title, the stockholders or members of which would be entitled to incorporate under the provisions of this title, may, by the unanimous written assent or vote of all the stockholders or members, amend its articles of incorporation Amendments to articles of corporation.

Debts at
time of
amend-
ments.

to conform to the provisions of this title in the manner and with the effect provided in section 362 of the Civil Code, and from the time of filing the amended articles, such corporation shall have the same powers as if it had originally incorporated under the provisions of this title; *provided, however*, that the debts, obligations, and other liabilities against such corporation or against the members or the stockholders thereof, existing at the time of such amendment, shall not be discharged or their collection or enforcement otherwise impaired; and *provided further* that the respective property interests of the several stockholders by virtue of their ownership of shares of stock therein, or the several members by virtue of their membership therein, and also the voting power of each of them, shall be determined and fixed by the amended articles of incorporation in accordance with the provisions of subdivision 6 of section 653o, but which rights shall be subject to the right of the association to admit new members.

Quo
warranto.

653s. The right of an association claiming to be organized and incorporated and carrying on its business under this title, to do and to continue its business, may be inquired into by quo warranto at the suit of the attorney general, but not otherwise.

CHAPTER 27.

An act making an appropriation for the maintenance of the governor's residence from January 1st, 1909, to June 30th, 1909.

[Approved February 17, 1909.]

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

Appropriation for maintaining governor's residence.

SECTION 1. The sum of three thousand dollars is hereby appropriated, out of any moneys in the state treasury, not otherwise appropriated, to pay for maintaining the governor's residence from January 1st, 1909, to June 30th, 1909.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 28.

An act to add a new section to the Penal Code to be known as section three hundred and thirty-seven a thereof and relating to gambling by pool selling, bookmaking, bets and wagers, and providing the punishment for the violation thereof.

[Approved February 19, 1909.]

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

SECTION 1. A new section is hereby added to the Penal Code to be known as section three hundred and thirty-seven a thereof and to read as follows:

337a. Every person, who engages in pool selling or bookmaking at any time or place; or who keeps or occupies any room, shed, tenement, tent, booth, or building, float or vessel, or any part thereof, or who occupies any place or stand of any kind, upon any public or private grounds within this state, with books, papers, apparatus or paraphernalia, for the purpose of recording or registering bets or wagers, or of selling pools, or who records or registers bets or wagers, or sells pools, upon the result of any trial or contest of skill, speed or power of endurance, of man or beast or between men or beasts, or upon the result of any lot, chance, casualty, unknown or contingent event whatsoever; or who receives, registers, records or forwards, or purports or pretends to receive, register, record or forward, in any manner whatsoever, any money, thing or consideration of value, bet or wagered, or offered for the purpose of being bet or wagered, by or for any other person, or sells pools, upon any such result; or who, being the owner, lessee, or occupant of any room, shed, tenement, tent, booth or building, float or vessel, or part thereof, or of any grounds within this state, knowingly permits the same to be used or occupied for any of these purposes, or therein keeps, exhibits or employs any device or apparatus for the purpose of recording or registering such bets or wagers, or the selling of such pools, or becomes the custodian or depositary for gain, hire or reward of any money, property or thing of value, staked, wagered or pledged, or to be wagered or pledged upon any such result; or who aids, assists or abets in any manner in any of the said acts, which are hereby forbidden, is punishable by imprisonment in a county jail or state prison for a period of not less than thirty days and not exceeding one year.

Pool selling, bookmaking, bets and wagers.

Penalty.

CHAPTER 29.

An act to amend sections ten and eleven of the Code of Civil Procedure of the State of California relating to holidays.

[Approved February 19, 1909.]

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

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

Holidays. 10. Holidays, within the meaning of this code, are every Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the first Monday in September, the twelfth day of October, to be known as "Discovery Day," the twenty-fifth day of December, every day on which an election is held throughout the state, and every day appointed by the president of the United States or by the governor of this state for a public fast, thanksgiving or holiday. If the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the twelfth day of October or the twenty-fifth day of December fall upon a Sunday, the Monday following is a holiday. Every Saturday from twelve o'clock noon until twelve o'clock midnight is a holiday as regards the transaction of business in the public offices of this state, and also in political divisions thereof where laws, ordinances or charters provide that public offices may be closed on holidays; *provided*, this shall not be construed to prevent or invalidate the issuance, filing, service, execution or recording of any legal process or written instrument whatever on such Saturday afternoons.

Monday following to be observed, when.

Saturdays.

SEC. 2. Section eleven of the Code of Civil Procedure of the State of California is hereby amended so as to read as follows:

11. If the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the twelfth day of October or the twenty-fifth day of December fall upon a Sunday, the Monday following is a holiday.

CHAPTER 30.

An act to amend section seven of the Civil Code of the State of California, relating to holidays.

[Approved February 19, 1909.]

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

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

7. Holidays, within the meaning of this code, are every Holidays. Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the first Monday in September, the twelfth day of October to be known as "Discovery Day," the twenty-fifth day of December, every day on which an election is held throughout the state, and every day appointed by the president of the United States or by the governor of this state for a public fast, thanksgiving or holiday. If the first day of January, the twenty-second day of February, the thirtieth Monday following to be observed, when. day of May, the fourth day of July, the ninth day of September, the twelfth day of October or the twenty-fifth day of December fall upon a Sunday, the Monday following is a holiday. Every Saturday from twelve o'clock noon until twelve o'clock Saturdays. midnight is a holiday as regards the transaction of business in the public offices of this state, and also in political divisions thereof where laws, ordinances or charters provide that public offices may be closed on holidays; *provided*, this shall not be construed to prevent or invalidate the issuance, filing, service, execution or recording of any legal process or written instrument whatever on such Saturday afternoons.

CHAPTER 31.

An act to amend sections ten and eleven of the Political Code of the State of California relating to holidays.

[Approved February 19, 1909.]

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

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

10. Holidays, within the meaning of this code, are every Holidays. Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the first Monday in September,

the twelfth day of October to be known as "Discovery Day," the twenty-fifth day of December, every day in which an election is held throughout the state, and every day appointed by the president of the United States or by the governor of this state for a public fast, thanksgiving or holiday. If the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the twelfth day of October or the twenty-fifth day of December fall upon a Sunday, the Monday following is a holiday. Every Saturday from twelve o'clock noon until twelve o'clock midnight is a holiday as regards the transaction of business in the public offices of the state, and also in political divisions thereof where laws, ordinances or charters provide that public offices may be closed on holidays; *provided*, this shall not be construed to prevent or invalidate the issuance, filing, service, execution or recording of any legal process or written instrument whatever on such Saturday afternoons.

Monday following to be observed, when.

Saturdays.

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

Monday following to be observed, when.

11. If the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the twelfth day of October or the twenty-fifth day of December fall upon a Sunday, the Monday following is a holiday.

CHAPTER 32.

An act to amend section three hundred and sixty-four of the Political Code, relating to the board of examiners.

[Approved February 19, 1909.]

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

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

State board of examiners.

364. The board of examiners shall consist of the governor, the secretary of state, the attorney general, and the secretary of the board, who shall be ex-officio member, to act only in the absence from the state capital of any one of the members.

SEC. 2. This act shall take effect immediately.

CHAPTER 33.

An act authorizing and directing the board of managers of the Agnews State Hospital to continue the reconstruction work at said hospital, and making an appropriation therefor.

[Approved February 19, 1900.]

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

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of one hundred and twenty-five thousand dollars (\$125,000) for the purpose of continuing the work of reconstruction at the Agnews State Hospital.

Appropriation.
Reconstruction work at Agnews hospital.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the board of managers of the Agnews State Hospital for the sum herein appropriated at such times and in such manner as the expenditure of the same shall be required, and the state treasurer is directed to pay the same.

SEC. 3. The provisions of an act entitled, "An act to regulate contracts on behalf of the state in relation to erections and buildings," approved March 26, 1876, together with the amendments thereto, in so far as said act and said amendments thereto relate to a call for bids and to award of contracts for the furnishing of material and performance of work thereunder shall not apply to work done under the provisions of this act.

Bids and contracts not required.

SEC. 4. This act shall take effect and be in force from and after its passage and approval.

CHAPTER 34.

An act to amend sections one, three, four, five, six, seven, nine, ten, thirteen, fourteen and twenty of an act entitled "An act to promote drainage," approved March 18, 1885.

[Approved February 19, 1900.]

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

SECTION 1. Section one of an act entitled "An act to promote drainage," approved March 18, 1885, is hereby amended to read as follows:

Section 1. Whenever the owners of two thirds of any body of land susceptible of one mode of drainage desire to drain the same, they may present to the board of supervisors of the

Petition for drainage procedure.

county in which the land, or the greater portion thereof, is situated, at a regular meeting of the board, a petition setting forth that they desire to adopt measures to drain the same, a description of the land, the number of acres in the proposed district, and the number of acres in each tract, and the names of the owners thereof, and names of three persons whom they desire to serve as trustees for the first three months; the petition must be verified by the affidavit of one of the petitioners, and must be published for four weeks next preceeding the hearing thereof, in some newspaper published in the county in which the lands are situated, or if there is no newspaper published in the county, then it must be published in some newspaper having a general circulation in the county, together with a notice stating the date of the meeting of said board on which the petition will be heard, and directing all parties interested to appear on said date and show cause, if any they have, why said petition should not be granted, and an affidavit of such publication must be filed with the clerk of said board at or before the date of said hearing.

Publica-
tion.

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

Lands in-
properly
included.

Section 3. If the board of supervisors find upon the hearing of such petition that lands have been improperly included in such district, they may, before fixing the final boundaries, exclude from such district any land which may have been so included, or include any lands adjacent thereto, on petition of any owner of such lands presented at such time of hearing, as they may deem for the best interests of such district. If from the petition and evidence produced at such hearing the board finds that said petition should be granted, it must thereupon, by order, define the boundaries of said district and declare said district duly formed, and the persons named in said petition for the formation of such district, as such, to be the trustees thereof for the first three months, or, until their successors are appointed.

Bound-
aries to be
defined.

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

Recording
petition.

Section 4. The petition for the formation of the district, together with the order of the board, defining its boundaries and forming the same, must be recorded in the office of the recorder of the county in which any of the lands of the district are situated.

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

By-laws,
adoption
of.

Section 5. After the approval of the petition the owners of lands embraced within the boundaries of the district, or those owning a majority in acreage thereof must adopt by-laws, not inconsistent with the laws of this state for the government and control of the affairs of the district, and for the future appointment of trustees. The by-laws thus adopted must be signed by the owners of lands in the district representing a majority in acreage thereof. By-laws thus adopted may be

amended at any time in the same manner in which the original by-laws were adopted.

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

Section 6. The by-laws and all amendments thereto must be filed for record in the office of the recorder in which the district was organized, and recorded in a book kept for the purpose of recording instruments in writing relating to reclamation or drainage districts. Recording
by-laws.

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

Section 7. The board of trustees shall have power to elect one of its members president thereof and also a clerk; to employ engineers and others to survey, plan, locate and estimate the cost of the works necessary for the drainage of the lands of the district, and the land needed for a right of way, including drains, canals, sloughs, water gates, embankments, water courses and material for construction; to thereafter, at any time, in its discretion, modify or change such original plan or plans, or adopt new, supplemental or additional plan or plans, when, in its judgment, the same shall become necessary; to construct, maintain and keep in repair all works necessary to carry into effect the objects sought to be attained; and to do all other acts and things necessary or required for the drainage of the lands embraced in the district. And the several members of the board shall each be entitled to receive for actual and necessary services performed, and for expenses incurred by them, respectively, for and in the interest of the district, such compensation as the board may determine to be just and reasonable, and shall allow, and the same shall constitute an indebtedness of the district for which warrants of the district must be drawn and paid in the same manner and out of the same fund as other warrants of the district; *provided*, that no warrant thus drawn shall be valid until approved by the board of supervisors of the county which formed the district. Powers of
trustees.

Compensa-
tion of
trustees.

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

Section 9. The board of supervisors of the county in which the district was formed must appoint three commissioners disinterested persons residing in the county in which the district or some part thereof is situated, and such commissioners must view and assess upon the lands situated in the district a charge proportionate to the whole expense, and to the benefit which will result from such work, which charges must be collected and paid into the county treasury either in cash or in regularly issued warrants of the district as hereinafter provided, and must be placed by the treasurer to the credit of the district, and paid out for the work of drainage upon the warrants of the trustees approved by the board of supervisors of the county. Assess-
ment
commis-
sioners.

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

Warrants,
how paid.

Section 10. The warrants drawn by the trustees must, after they are approved by the board of supervisors, be presented to the treasurer of the county, and if they are not paid on presentation, like indorsements must be made thereon, and they must be registered in like manner as county warrants and paid in the order of their registration. All warrants from the date of their registration shall bear interest at the rate of six per cent per annum; *provided, however*, that warrants may be used in the payment of assessments made hereunder without regard to the order of registration.

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

List of
charges
assessed.

Section 13. The commissioners appointed by the board of supervisors must make a list of the charges assessed against each tract of land, and the list must contain:

1. A description of each tract assessed.
2. The number of acres in each tract.
3. The names of the owners of each tract, if known, and if unknown, that fact; but no mistake in the name of the owner, or supposed owner of the property assessed shall render the assessment thereof invalid.
4. The amount of the charge assessed against each tract.

Equaliza-
tion of
assess-
ments.

The board of commissioners must, on the completion of such list, cause a notice to be published in some paper published in the county where such district is situated, and also have such notice posted in three places in such district, to the effect that the board of commissioners will, in ten days from the publication of such notice, meet (and they shall also name the time and place of such meeting) as a board of equalization for the purpose of equalizing assessments, and will continue in session as long as may be necessary, not to exceed ten days, at the end of which time, having equalized and adjusted such assessments, the list must then be filed as hereinafter provided.

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

Assess-
ment list,
where
filed.

Section 14. The list so made must be filed with the county treasurer of the county, or if the district is partly situated in different counties, then the original list must be filed in the county first in order in alphabetical arrangement, and copies thereof, certified by the commissioners, must be filed with the treasurers of each of the other counties. From and after the filing of the list, or certified copies thereof, the charges assessed upon any tract of land in the district constitute a lien thereon, and the list thus prepared must remain in the office of the treasurer for thirty days, or longer if ordered by the board of trustees, and during the time it so remains in the office of said treasurer any person may pay the amount of the charges assessed against any tract to the treasurer without costs, either in cash or in regularly issued war-

Payments
of charges.

rants of the district; or, if so ordered by the board of trustees, said payments may be by installments which installments may be paid either in cash or in regularly issued warrants of the district: and if, at the end of thirty days, or of the longer period fixed by the trustees, all the charges, or all of any installments ordered by them, have not been paid, the treasurer must return the list to the board of trustees of the district, and all unpaid assessments shall bear legal interest from the date of the return of the lists to said board, and shall thereafter be collected and paid in separate installments, of such amounts, and at such times, respectively, as the board, from time to time, in its discretion, may, by order entered in its minutes, direct; and a cause of action for the collection of any such installments shall accrue at the expiration of twenty days from the date of the order directing its payment; *provided*, that if any such installment shall remain unpaid at the expiration of said twenty days, then the whole of the assessment against the land owned by the person failing to pay such installment shall become due and payable at once, and may, in the discretion of the board, be collected immediately, in one and the same action. The board of trustees of the district must commence actions for the collection of such delinquent installments, and delinquent assessments, with interest thereon, and costs, and for the enforcement of the lien thereof on the land assessed, in the superior court of the county in which the land, or some portion of it, is situated, in which action all persons claiming any interest in said land upon which said assessment is levied, and any person necessary to a complete determination of the action, may be joined as defendants in said action. No person holding a conveyance from or under the person to whom the land was assessed or having a lien thereon, which conveyance or lien does not appear of record in the proper office at the time of the commencement of the action, need be made a party to such action, and the judgment therein rendered, and the proceedings therein had, are as conclusive against the party holding such unrecorded conveyance or lien as if he had been a party to the action. Notice of the pendency of such action may be filed in the office of the county recorder of the county in which the land affected by said action is situated in the same manner and with like effect as in other actions affecting real property. When the name of any person, properly a defendant in any such action, as herein provided, is unknown to the said trustees such person may be joined in said action and be sued by a fictitious name, and if his true name is thereafter, and before final judgment, discovered or ascertained the same may be, thereafter, substituted for such fictitious name. Service of the summons in such action shall be made in the same manner as is provided by law for the service or publication of summons in other actions. Assessments on several tracts may be included in the same action, if listed to the same persons, and causes of action on separate assessments on the same land

Unpaid
assess-
ments.

Actions for
collection
of assess-
ments.

Lis
pendens.

Service of
summons.

may be included in the same action. In all actions for the collection of delinquent assessments, the court may decree and adjudge a lien against each tract for the amount assessed against the same, and may order it to be sold, on execution or decree, as in other cases of sale of real estate on execution. In any action to enforce said lien or to determine the validity of the same, said list, duly executed by said commissioners, or a certified copy thereof shall be prima facie evidence of the matters therein contained, and that said commissioners were duly appointed and qualified, as required by law, and that they did view and assess upon the lands set forth in said list the charges therein contained, and that said charges are in proportion to the whole expense and the benefits which will result from the work of drainage for which said assessment was so levied. The judgment or decree must direct that the sale be made for lawful money of the United States. The board of trustees must pay the moneys collected to the county treasurer, who must place the same to the credit of the district.

Evidence.

Decree must direct, what.

SEC. 11. Section twenty of said act is hereby amended to read as follows:

Section 20. Whenever any district of lands susceptible of one mode of drainage is entirely owned by parties who desire to drain the same, and to manage such drainage without the intervention of trustees or the establishment and adoption of by-laws, such parties may file the petition provided for in sections one and two, and they must state therein that they intend to undertake such drainage on their own responsibility. If the petition is granted, the owners of the lands shall have all the rights, immunities and privileges possessed by boards of trustees, and in all proceedings the names of owners may be used instead of the names of trustees.

Drainage entirely by owners, procedure.

SEC. 12. This act shall take effect upon its passage.

CHAPTER 35.

An act to amend section 649 of the Civil Code of the State of California relating to the incorporation of colleges and seminaries of learning.

[Approved February 20, 1909.]

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

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

649. Any number of persons who may desire to establish a college or seminary of learning may incorporate themselves as provided in this part, except that in lieu of the requirements

Articles of incorporation to contain, what.

of section two hundred ninety, the articles of incorporation shall contain:

1. The name of the corporation.
2. The purpose for which it is organized.
3. The place where the college or seminary is to be conducted.
4. The number of its trustees, which shall not be less than five nor more than twenty-five, and the names and residences of the trustees. The term for which the trustees named and their successors are to hold office may also be stated. If it is desired that the trustees, or any portion of them, shall belong to any organization, society, or church, such limitation shall be stated.
5. The names of those who have subscribed money or property to assist in founding the seminary or college, together with the amount of money and description of property subscribed.

CHAPTER 36.

An act to amend an act entitled, "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section to be known as section 5 1-2, providing for filing written notices of defects in street proceedings and that certain defects not claimed shall be waived.

[Approved February 20, 1909.]

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

SECTION 1. A new section to be known as section 5½ of said act is hereby added thereto, and shall read as follows:

Section 5½. At any time within ten days from the date of the first publication of the notice of award of contract, any owner of or other person having any interest in any lot or land liable to assessment, who claims that any of the previous acts or proceedings relating to said improvement are irregular, defective, erroneous or faulty, may file with the clerk of the city council a written notice specifying in what respect said acts and proceedings are irregular, defective, erroneous or faulty. Said notice shall state that it is made in pursuance of this section. All objections to any act or proceeding, prior to the date of the aforesaid notice of award, in relation to said improvement, not made in writing and in the manner and at the time aforesaid, shall be waived, excepting as to matters directly affecting the jurisdiction of the council to order the said work or improvement.

Notice of faulty proceedings.

Objections when deemed to be waived.

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

CHAPTER 37.

An act to amend section 3457 of the Political Code relating to reclamation districts, the warrants thereof, the payments of assessments with warrants, extension of warrants and the commencement of actions thereon.

[Approved February 20, 1909.]

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

SECTION 1. Section 3457 of the Political Code is hereby amended to read as follows:

Warrants,
payment
of.

3457. The warrants drawn by the trustees must, after they are approved by the board of supervisors, be presented to the treasurer of the county, and if they are not paid on presentation, such endorsement must be made thereon, and they must be registered and bear interest from the date of presentation; but said warrants are, and shall be considered as contracts in writing for the payment of money, and the period prescribed for the commencement of an action based upon said reclamation warrants or connected therewith, is, and shall be the term of four years from the date of their issuance. Any owner of land in the district may at any time pay any assessments thereon or any part thereof with warrants of the district. No warrants shall be paid or received on an assessment, except within four years after the date of its issuance. The board of trustees and the treasurer must cancel all warrants not paid or received on assessment within four years after the date of issuance; *provided*, that any warrant not paid or received on assessment within four years after its issuance may, before the expiration of such four years, upon the demand of the owner or holder, be extended for a like period of four years, upon the presentation of the same to the board of trustees of the district, such extension being endorsed thereon by said board and a record thereof filed with the treasurer. In case an action or proceeding based upon any warrant or connected therewith, be commenced within four years after the issuance of such warrant and final judgment obtained in favor of the holder or owner thereof, such warrant shall be paid or received on assessment the same as if it had been paid or received on assessment before the expiration of said four years from the date of its issuance.

Assess-
ments,
may be
paid with.

Actions
and judg-
ments,
effect of.

CHAPTER 38.

An act to amend section 607f of the Civil Code of the State of California relating to societies for the prevention of cruelty to children and animals.

[Approved February 20, 1909.]

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

SECTION 1. Section 607f of the Civil Code of the State of California is hereby amended to read as follows:

607f. All members and agents, and all officers of each or any of such corporations or societies, as may by the trustees thereof be duly authorized in writing, approved by a judge of the superior court of the county in which such corporation or society was organized, and sworn in the same manner as are constables or peace officers, have power lawfully to interfere to prevent the perpetration of any act of cruelty upon any child or dumb animal, and may use such force as is necessary to prevent the same, and to that end may summon to their aid any bystander. Powers of

They may make arrests for the violation of any penal law relating to or affecting children or animals in the same manner as a constable or other peace officer; and may carry the same or similar weapons that such officers are authorized to carry; *provided, however* that in cities of the first class no such member, officer or agent of such societies shall carry such weapon until permission in writing has been first granted to him so to do by the board of police commissioners of said city or cities. All such members and agents must, when making such arrests, exhibit and expose a suitable badge to be adopted by such corporation or society. In cities of
first class.

All persons resisting such specially appointed officers, when performing any duty under this section, are guilty of a misdemeanor. Resisting
officer.

CHAPTER 39.

An act to amend section number 2955 of the Civil Code, relating to what kinds of personal property may be mortgaged.

[Approved February 20, 1909.]

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

SECTION 1. Section number twenty-nine hundred and fifty-five of the Civil Code is hereby amended to read as follows:

What
personal
property
may
be mort-
gaged.

2955. Mortgages may be made upon all growing crops, including grapes and fruit, and upon any and all kinds of personal property, except the following:

1. Personal property not capable of manual delivery;
2. Articles of wearing apparel and personal adornment;
3. The stock in trade of a merchant.

CHAPTER 40.

An act amending section 2300 of the Political Code, relating to the state library fund.

[Approved February 20, 1909.]

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

SECTION 1. Section 2300 of the Political Code is hereby amended so as to read as follows:

Fund,
consists of
what.

2300. Five thousand dollars of the fees collected by the secretary of state each month and paid by him into the state treasury shall constitute the state library fund.

SEC. 2. So much of section 416 of the Political Code as is inconsistent with this act, and all other acts or parts of acts inconsistent herewith are hereby repealed.

SEC. 3. This act shall be in effect immediately.

CHAPTER 41.

An act to amend section 1565 of the Political Code, referring to teachers' institute and library funds.

[Approved February 20, 1900.]

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

SECTION 1. Section 1565 of the Political Code is hereby amended so as to read as follows:

1565. Except for a temporary certificate, every applicant for a teachers' certificate, or for the renewal of a certificate, upon presenting his application, shall pay to the county superintendent a fee of two dollars. All money so received by the county superintendent shall immediately be deposited by him in the county treasury. The county treasurer shall credit one half of all moneys so received to a separate fund to be known as the teachers' institute fund and the other half to a fund to be known as the teachers' library fund. The teachers' institute fund may be expended in payment of the services of such instructors in the county teachers' institute as are not teachers in the public schools of the county in which such institute is held. For this purpose warrants may be drawn by the auditor upon the request of the county superintendent. The teachers' library fund may be expended, in a similar manner for the establishment of a teachers' library and for the transportation of library books, and other reading matter of the teachers' library, to and from the various schools of the county. The county superintendent may act as librarian thereof but whenever in any county there is a county library, the county superintendent may require the county treasurer to credit all moneys payable to the teachers' library fund to the county library fund, and may transfer to the county library all books and other property belonging to the teachers' library, and thereupon the county library shall administer the teachers' library as part of itself; but all funds received from the county superintendent in accordance with this section shall be expended exclusively for the purchase and maintenance of books of professional interest to teachers.

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

Certificate,
fee for.

Disposi-
tion of
fees.

Library
fund, how
expended.

CHAPTER 42.

An act to amend sections nine and ten of an act entitled, "An act to establish and support a bureau of labor statistics," approved March 3, 1883.

[Approved February 20, 1900.]

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

SECTION 1. Section nine of an act entitled, "An act to establish and support a bureau of labor statistics," is hereby amended to read as follows:

Deputies
and
employees.

Section 9. The commissioner shall appoint a deputy, who shall have the same powers as said commissioner, an assistant deputy, who shall reside in the city of Los Angeles, a statistician, a stenographer, and such agents or assistants as he may from time to time require, at such a rate of wages as he may prescribe, but said rate must not exceed five dollars per day and actual traveling expenses for each person while employed. He shall procure rooms necessary for offices, at a rent not to exceed the sum of one hundred and fifty dollars per month.

Offices,
rent of.

SEC. 2. Section ten of an act entitled, "An act to establish and support a bureau of labor statistics," is hereby amended to read as follows:

Salaries.

Section 10. The salary of the commissioner shall be three thousand dollars per annum, the salary of the deputy commissioner shall be twenty-four hundred dollars per annum, the salary of the assistant deputy shall be twenty-one hundred dollars per annum, the salary of the statistician shall be twenty-one hundred dollars per annum, and the salary of the stenographer shall be twelve hundred dollars per annum, to be audited by the controller and paid by the state treasurer, in the same manner as other state officers; there shall also be allowed a sum not to exceed fifteen thousand dollars per annum for the salaries of agents or assistants, for traveling expenses, and for other contingent expenses of the bureau.

Expenses.

SEC. 3. This act shall take effect immediately.

CHAPTER 43.

An act to provide for the investment of the moneys in the estates of deceased persons fund and also to provide for payment of interest received into the state school fund.

[Approved February 22, 1909.]

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

SECTION 1. Whenever and as often as there is in the state treasury to the credit of the estates of deceased persons fund (in excess of the retention hereinafter provided for) the sum of ten thousand dollars or more, the state board of examiners must invest the same in the bonds of this state, or in the bonds of the United States, or in the bonds of the several counties, city and county, cities or towns, or school districts of this state; the investments to be made in such manner and on such terms as the board shall deem best for the fund; *provided*, that no investment shall be made which with the amounts previously invested shall reduce the uninvested portion of the fund below the amount of ten thousand dollars.

SEC. 2. Bonds purchased by the state board of examiners under the provisions of this act must be delivered to the state treasurer, who shall keep them as a portion of said estates of deceased persons fund, and the interest upon such bonds shall be paid into the state school fund and apportioned like other moneys employed for the support of common schools.

SEC. 3. It is the intent of this act that there shall at all times be retained in said estates of deceased persons fund, in the form of cash, available for meeting the demands of persons holding legal claims against such fund, the sum of at least ten thousand dollars, and whenever by reason of payments made out of the fund the amount of cash therein shall be reduced below the specified amount of ten thousand dollars, it shall be the duty of the state board of examiners to sell such bonds belonging to said fund as they may deem proper, for the purpose of making good the cash retention of ten thousand dollars.

SEC. 4. This act shall take effect from and after its passage.

Investment of funds.

Restriction.

Bonds, interest on, how apportioned.

Fund. minimum amount in.

CHAPTER 44.

An act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the bureau of labor statistics for the sixtieth fiscal year.

[Approved February 22, 1909.]

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

Deficiency
appropriation,
labor
bureau.

SECTION 1. The sum of one thousand three hundred and fifty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the deficiency in the appropriation for the contingent expenses of the bureau of labor statistics for the sixtieth fiscal year, the same to be approved by the state board of examiners.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 45.

An act transferring the sum of \$80,000 from the general fund to the estates of deceased persons fund.

[Approved February 22, 1909.]

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

Transfer
of funds.

SECTION 1. Immediately upon the approval of this act the controller and treasurer of state are hereby directed to transfer from the general fund to the estates of deceased persons fund the sum of eighty thousand dollars, to reimburse said estates of deceased persons fund in the amount borrowed therefrom in pursuance of an act approved March nineteenth, eighteen hundred and ninety-one.

SEC. 2. This act shall take effect immediately.

CHAPTER 46.

An act providing for a biennial appropriation in the general appropriation bill for the benefit of the governor's residence and grounds.

[Approved February 22, 1900.]

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

SECTION 1. Commencing with the sixty-first fiscal year, there shall be appropriated for each biennial period, in the general appropriation bill, such sum of money as shall be deemed necessary for the support and maintenance of the governor's residence and care and improvement of the residential grounds and for the salaries and maintenance of necessary employees and servants, to be selected and employed by the governor, to properly maintain and conduct said residence and grounds.

Governor's residence, provision for maintenance of.

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

CHAPTER 47.

An act making an appropriation to assist the state board of equalization in gathering data in the several counties for equalization purposes, and for the employment of expert accountants to verify reports of railroad companies made to said board.

[Approved February 22, 1900.]

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

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended by the state board of equalization in compiling data relating to transfers of real property in the several counties, and gathering such data relating to assessments in the counties as will assist the board in its work of equalization as between the counties; also to employ expert accountant or accountants in verifying and proving the railway reports rendered to the board for assessment purposes.

Appropriation to assist in verifying assessments and reports.

SEC. 2. The controller is authorized to draw his warrant for the amount herein made payable, on demand therefor presented by the secretary of the state board of equalization, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 48.

An act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the state printing office and bindery, and specifying the duties of the superintendent of state printing, board of examiners, state controller, and state treasurer in relation thereto.

[Approved February 22, 1909.]

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

Appropriation.

State printing office, improvements for.

SECTION 1. The sum of fifty thousand (50,000) dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purchase of improved printing and binding material and machinery, and improvements for the state printing office and bindery, and for installing the same.

SEC. 2. The superintendent of state printing, by and with the consent of the governor, shall purchase such material and machinery and improvements as he considers necessary, and shall file all bills for payment of same with the state board of examiners for approval, as provided in section six hundred and seventy-two of the Political Code.

SEC. 3. The state controller is hereby directed to draw his warrant for this amount and the state treasurer to pay the same.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER 49.

An act to add a new section to the Political Code to be numbered 1840, relating to the levy and collection of special district school funds.

[Approved February 22, 1909.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered 1840 to read as follows:

Support of schools, estimate of moneys needed.

1840. The board of school trustees or board of education of any school district or of any city may, at least fifteen days before the first day of the month in which the board of supervisors is required by law to levy the taxes required for county purposes, submit to the county superintendent of schools an estimate of any amount of money in excess of the amounts derived from the state and county funds which will

be required for the maintenance of any school or schools in their several districts for the ensuing school year. The county superintendent of schools shall thereupon examine said estimates and submit copies of the same with his approval or disapproval endorsed thereon to the board of supervisors and to the county auditor at the time he submits to them his estimate for the county school tax for the ensuing school year. If the county superintendent of schools approve such estimate the said board of supervisors may at the time and in the manner of levying other taxes levy and cause to be collected in the several school districts for which estimates have been submitted and approved as herein provided, the excess amounts so estimated and approved. The funds so levied and collected shall be known as the special school fund of school district (as the case may be) and shall be available for any and all of the purposes for which the school funds derived from the state and county may be used and the moneys drawn from it shall be paid out in the same manner as state and county school funds are paid; *provided*, this section shall not be so construed as to repeal sections 1830 to 1839, inclusive of this code.

Levy of tax.

Funds, for what purpose available.

CHAPTER 50.

An act making an appropriation to pay the expenses of certain district attorneys in foreclosing delinquent school land purchases.

[Approved February 22, 1909.]

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

SECTION 1. The sum of eight hundred thirty-two dollars and four cents (\$832.04) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claims of certain district attorneys for expenses incurred in foreclosing delinquent purchases of state school lands, the same having been approved by the state board of examiners as follows: J. D. Fredericks, district attorney of Los Angeles county, \$12.02, M. C. Kerr, district attorney of Plumas county, \$41.46, J. W. P. Laird, district attorney of Kern county, \$227.69, Albert Nelson, district attorney of San Luis Obispo county, \$428.28, R. M. Rankin, district attorney of Lassen county, \$85.86, W. D. Tillotson, district attorney of Shasta county, \$36.73.

Appropriation.

Pay of claims of district attorneys.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 51.

An act to amend section thirty-eight hundred and seventeen of the Political Code of the State of California relating to redemptions of lands sold the State of California for delinquent taxes.

[Approved February 22, 1900.]

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

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

Former
owners
may
redeem.
when.

3817. In all cases where real estate has been sold, or may hereafter be sold for delinquent taxes to the state, and the state has not disposed of the same, the person whose estate has been, or may hereafter be sold, his heirs, executors, administrators, or other successors in interest, shall, at any time after the same has been sold to the state, and before the state shall have disposed of the same, have the right to redeem such real estate by paying to the county treasurer of the county wherein the real estate may be situated, the amount of taxes, penalties and costs due thereon at the time of said sale, with interest on the aggregate amount of said taxes, at the rate of seven per cent per annum; and also all taxes that were a lien upon said real estate at the time said taxes became delinquent; and also all unpaid taxes of every description assessed against the property for each year since the sale; or, if not so assessed, then upon the value of the property as assessed in the year nearest the time of such redemption, with interest from the first day of July following each of said years, respectively at the same rate, to the time of redemption; and also all costs and expenses of such redemption, and penalties as follows, to wit: ten per cent if redeemed within six months from the date of sale; twenty per cent if redeemed within one year therefrom; thirty per cent if redeemed within two years therefrom; forty per cent if redeemed within three years therefrom; forty-five per cent if redeemed within four years therefrom; and fifty per cent, if redeemed within five or any greater number of years therefrom. The penalty shall be computed upon the amount of each year's taxes in like manner, reckoning from the time when the lands would have been sold for the taxes of that year, if there had been no previous sales thereof.

Penalties
payable.

Estimate
by county
auditor.

The county auditor shall, on the application of the person desiring to redeem, make an estimate of the amount to be paid, and shall give him triplicate certificates of the amount, specifying the several amounts thereof, which certificates shall be delivered to the county treasurer, together with the money, and the county treasurer shall give triplicate receipts, written or indorsed upon said certificates, to the redemptioner, who

shall deliver one of said receipts to the state controller, and one to the county auditor, taking their receipts therefor.

The county treasurer shall settle for the moneys received as for other state and county moneys. Upon the payment of the money specified in said certificate, and the giving of the receipts aforesaid by the treasurer, controller, and auditor, any deed or certificate of sale that may have been made to the state shall become null and void, and all right, title and interest acquired by the state, under and by virtue of the tax sale, shall cease and determine. Upon consummation of the redemption, the auditor shall report same to the recorder, whereupon the recorder shall, without payment of fee, note on the margin of the certificate of sale, or deed, if issued, the fact of such redemption, date thereof and by whom redeemed.

State's
title
cases,
when.

The receipt of the controller may be recorded in the recorder's office of the county in which said real estate is situated, in the book of deeds, and the record thereof shall have the same effect as that of a deed of reconveyance of the interest conveyed by such deed or certificate of sale.

Recor-
tion of
con-
troller's
receipt.

This act shall apply to state lands sold by the state when the full amount of the purchase price has not been paid to the state therefor, except when the deed to the state, provided for in section three thousand seven hundred and eighty-five, has been filed with the surveyor general, and an application has been filed therefor in that office.

CHAPTER 52.

An act to amend an act entitled, "An act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employees," approved February 6, 1889.

[Approved February 22, 1909.]

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

SECTION 1. Section 4 of an act entitled, "An act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employees," approved February 6, 1889, is hereby amended to read as follows:

Section 4. In any factory, workshop, or other establishment where a work or process is carried on by which dust, filaments, or injurious gases are produced or generated, that are liable to be inhaled by persons employed therein, the person, firm or corporation, by whose authority the said work or process is carried on, shall cause to be provided and used in said factory, workshop or other establishment, exhaust fans or blowers with

Factories,
sanitary
require-
ments in.

pipes and hoods extending therefrom to each machine, contrivance or apparatus by which dust, filaments or injurious gases are produced or generated. The said fans and blowers, and the said pipes and hoods, all to be properly fitted and adjusted, and of power and dimensions sufficient to effectually prevent the dust, filaments, or injurious gases produced or generated by the above said machines, contrivances or apparatuses, from escaping into the atmosphere of the room or rooms of said factory, workshop or other establishment where persons are employed.

Sec. 2. This act shall take effect immediately.

CHAPTER 53.

An act to amend section number 2965 of the Civil Code, relating to the effect of mortgages upon personal property removed from the county where situated when mortgaged.

[Adopted February 22, 1909.]

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

SECTION 1. Section number twenty-nine hundred and sixty-five of the Civil Code is hereby amended to read as follows:

Mortgaged
personal
property,
effect of
removal.

2965. When personal property mortgaged is thereafter removed from the county in which it is situated, the lien of the mortgage shall not be affected thereby for thirty days after such removal; but, after the expiration of such thirty days, the property mortgaged is exempted from the operation of the mortgage, except as between the parties thereto, until either:

1. The mortgagee causes the mortgage to be recorded in the county to which the property has been removed; or

2. The mortgagee takes possession of the property as prescribed in the next section.

CHAPTER 54.

An act to amend section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

[Approved February 22, 1909.]

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

SECTION 1. Section twelve hundred and seven of the Civil Code of the State of California is hereby amended to read as follows:

1207. Any instrument affecting the title to real property, which was, previous to the first day of January, one thousand nine hundred nine, copied into the proper book of record, kept in the office of any county recorder, imparts, after that date, notice of its contents to subsequent purchasers and incumbrancers, notwithstanding any defect, omission, or informality in the execution of the instrument, or in the certificate of acknowledgment thereof, or the absence of any such certificate; but nothing herein affects the rights of purchasers or incumbrancers previous to that date. Duly certified copies of the record of any such instrument may be read in evidence with like effect as copies of an instrument duly acknowledged and recorded; *provided*, when such copying in the proper book of record occurred within fifteen years prior to the trial of the action, it is shown first that the original instrument was genuine.

Acknowledgments validating, defective.

SEC. 2. This act shall take effect on and be in force from and after July first, nineteen hundred nine.

CHAPTER 55.

An act to amend section thirty-nine of an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

[Approved February 22, 1909.]

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

SECTION 1. Section thirty-nine of an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, is hereby amended to read as follows:

Assess-
ment to
pay
annual
interest.

Section 39. The board of directors shall then levy an assessment sufficient to raise the annual interest on the outstanding bonds, and in any year in which any bonds shall fall due must increase such assessment to an amount sufficient to raise a sum sufficient to pay the principal of the outstanding bonds as they mature; also sufficient to pay in full the amount of any other contract or obligation of the district which shall have been reduced to judgment. The secretary of the board must compute and enter in a separate column of the assessment book the respective sums, in dollars and cents, to be paid as an assessment on the property therein enumerated. When collected, the assessment shall be paid into the district treasury and be apportioned to the several proper funds.

Board of
supervis-
ors may
assess,
when.

In case of the neglect or refusal of the board of directors to cause such assessment and levies to be made as in this act provided, then the assessment of property made by the county assessor and the state board of equalization shall be adopted, and shall be the basis of assessment for the district, and the board of supervisors of the county in which the office of the board of directors is situated shall cause an assessment roll for said district to be prepared, and shall make the levy required by this act, in the same manner and with like effect as if the same had been made by said board of directors, and all expenses incident thereto shall be borne by such district. In case of the neglect or refusal of the collector or treasurer of the district to perform the duties imposed by law, then the tax collector and treasurer of the county in which the office of the board of directors is situated must, respectively, perform such duties, and shall be accountable therefor upon their official bonds as in other cases.

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

CHAPTER 56.

An act to amend section one hundred and three of the Code of Civil Procedure relating to justices' courts and justices of the peace.

[Approved February 22, 1909.]

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

SECTION 1. Section one hundred and three of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

103. There shall be at least one justices' court in each of the townships of the state, for which one justice of the peace must be elected by the qualified electors of the township, at the general state election next preceding the expiration of the term of office of his predecessor. In any county where in the opinion of the board of supervisors the public convenience requires it, the said board may, by order, provide that two justices' courts may be established in any township, designating the same in such order; and, in such case, one justice of the peace must be elected in the manner herein provided for each of said courts. In every city or town of the third and the fourth class there must be one justice of the peace, and in every city or town of the first and one-half class there must be four justices of the peace, and in every city or town of the second class there must be two justices of the peace, to be elected in like manner by the electors of such cities or towns respectively; and such justices of the peace of cities or towns shall have the same jurisdiction, civil and criminal, as justices of the peace of townships, and township justices' courts. Said justices of the peace of cities, and justices' courts of cities shall also have jurisdiction of all proceedings for the violation of any ordinance of any city in which courts are established, both civil and criminal, and of all actions for the collection of any license required by any ordinance of any such city or town, and generally exercise all powers, duties and jurisdiction, civil and criminal, of police judges, judges of the police court, recorder's court or mayor's court, within such city. No person is eligible to the office of justice of the peace in any city or town of the first, first and one-half, second or third class, who has not been admitted to practice law in a court of record; and no justice of the peace is permitted to practice law before another justice of the peace in the city, town or county in which he resides, or to have a partner engaged in the practice of law in any justices' court in such city, town or county. Every city justice of the peace in any city or town of the fourth class shall receive a salary of fifteen hundred dollars per annum, and every city justice of the peace in any city or town of the third class shall receive a salary of two thousand dollars per annum,

Justices' courts and justices; number in each township.

Jurisdiction.

Who are eligible to the office.

Salary.

and every city justice of the peace in any city or town of the first and one-half class shall receive a salary of three thousand dollars per annum and every city justice of the peace in any city or town of the second class shall receive a salary of thirty-six hundred dollars per annum; and each justice of the peace shall be provided by the city or town authorities with a suitable office in which to hold his court.

How paid. Where the compensation of the justice of the peace of any city or town is by salary it shall be paid by warrants drawn each month upon the salary fund, or, if there be no salary fund, then upon the general fund, of such city or town; such warrants to be audited and paid as salaries of other city officials. All fees which are chargeable by law for services rendered by such city justice of the peace in cities or towns aforesaid shall be by them, respectively, collected, and on the first Monday of each month every such city or town justice of the peace shall make a report, under oath, to the city or town treasurer, of the amount of fees so by him collected, and pay the amount so collected into the city or town treasury, to the credit of the general fund thereof. Said salaries shall be the sole compensation of said city justices.

Fees.

Sec. 2. This act shall take effect immediately.

CHAPTER 57.

An act to amend section 302 of the Civil Code, relating to the election of directors of corporations and notice of stockholders' meetings held therefor.

[Approved February 22, 1909.]

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

SECTION 1. Section 302 of the Civil Code is hereby amended to read as follows:

302. The directors of a corporation must be elected annually by the stockholders or members, and if no provision is made in the by-laws for the time of election, the election must be held on the first Tuesday in June. Notice of such election must be given as prescribed in section three hundred one, unless all of the stockholders waive such notice in writing.

Directors
to be
elected,
when.

CHAPTER 58.

An act to amend section 317 of the Civil Code relating to a waiver of notice by stockholders or members of corporate meetings.

[Approved February 22, 1900.]

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

SECTION 1. Section 317 of the Civil Code is hereby amended to read as follows:

317. When all the stockholders or members of a corporation are present at any meeting however called or notified, and sign a written consent thereto on the records of such meetings, or if those not present sign in writing a waiver of notice of such meeting, which waiver is presented and made a part of the records of such meeting, the doings of such meeting are as valid as if had at a meeting legally called and noticed.

Stock-
holders,
waiver of
notice of
meetings.

CHAPTER 59.

An act to amend section two thousand nine hundred seventy-nine, of the Political Code, relating to the powers and duties of the state board of health.

[Approved February 22, 1900.]

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

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

2979. The state board of health shall examine into the causes of communicable diseases in man and domestic animals occurring or likely to occur in this state.

Duties and
powers of
state
board of
health.

It may quarantine or isolate, inspect and disinfect persons, animals, property and things of whatever nature, and houses, rooms, places, cities or localities, whenever in the judgment of said board or pending its meeting, whenever in the judgment of its executive officer such action shall be deemed necessary to protect or preserve the public health; and said board may destroy or cause to be destroyed, bedding, carpets, household goods, furnishings and materials, clothing or animals, when in the judgment of said board or that of its executive officer such clothing, furnishings, bedding, goods, materials or animals are an imminent menace to the public health.

It may establish and maintain places of quarantine or isolation.

It shall have sanitary control of all public buildings or places owned, leased or controlled by the state, and no officer or person having charge of the erection of any public building owned or controlled by the state shall proceed with the construction thereof until the state board of health shall, in writing, have approved the plans and specifications therefor, in so far as the same may, in any way, affect the sanitation thereof.

It shall cause special investigation of the sources of mortality and the effects of localities, employments, conditions and circumstances on the public health, the preparation and sale of drugs and food and the adulteration thereof.

It must perform such duties as are or may be required by law for the detection and prevention of the adulteration of articles used for food and drink, and for the punishment of persons guilty of violation of any law providing against such adulteration.

It shall examine and have power to prevent the pollution of sources of public domestic water and ice supply.

It shall have power to prepare or purchase and distribute at cost antitoxins, vaccine and other approved serums and lymphs.

Bureau of
vital
statistics.

It shall maintain a bureau of vital statistics under the supervision of its executive officer, where shall be collected and recorded all births, marriages and deaths, burials and cremations within the state. These statistics together with the number of cases of communicable diseases, and such further comparative statistics and information as may be deemed of value to scientists, the medical profession, the general public and aid in the maintenance of good health conditions may be published by the board in such manner and at such times as it may deem proper.

Enforcement of
regulations.

It shall have power to prescribe and enforce regulations for the embalming, cremation, burial, disinterment and transportation of the dead.

It shall have power to prescribe the form of certificates of birth and death, and of permits for burial, disinterment, cremation and transportation of the dead, and provide measures for their observance; and whenever the board, or when it is not in session, its secretary, shall so order, no burial permit shall be issued until after the body has been inspected by the state board of health or some one designated by it or its secretary for the purpose.

It shall have power to abate public nuisances. It may advise all local health authorities, and, when in its judgment the public health is menaced, it shall control and regulate their action.

It shall have general power of inspection, examination, quarantine and disinfection of persons, places and things, within the state, and for the purpose of conducting the same may appoint inspectors, who, under the direction of the board, shall be vested with like powers; *provided* that this act shall in nowise conflict with the national quarantine laws.

It shall have power to commence and maintain all proper and necessary actions and proceedings to enforce its regulations, to enjoin and abate nuisances dangerous to health, to compel the performance of any act specifically enjoined upon any person, officer or board, by any law of this state relating to the public health, and to protect and preserve the public health; also to defend all actions and proceedings involving its powers and duties; and in all such actions and proceedings it shall sue and be sued under the name of the state board of health.

It shall have power to adopt and enforce rules and regulations for the execution of its duties under this section.

It shall at each biennial session of the legislature make a report with such suggestions as to legislative action as it deems proper. Report to legislature.

CHAPTER 60.

An act to amend section 6 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907.

[Approved February 22, 1909.]

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

SECTION 1. Section 6 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907, is hereby amended to read as follows:

Section 6. Food and liquor shall be deemed mislabeled or misbranded within the meaning of this act in any of the following cases: Food, mislabeled or misbranded, what shall be deemed as.

First. If it be an imitation of or offered for sale under the distinctive name of another article of food.

Second. If it be labeled or branded or colored so as to deceive or mislead, or tend to deceive or mislead the purchaser; or if it be falsely labeled in any respect, or if it purport to be a foreign product tend to mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substance contained therein, which statement, design or device shall be false or misleading in any particular.

Fifth. When any package bears the name of the manufacturers, jobbers or sellers, or the grade or the class of the product, it must bear the name of the real manufacturers, jobbers or sellers and the true grade or class of the product, the same to be expressed in clear and distinct English words in legible type; *provided*, that an article of food shall not be deemed misbranded, if it be a well known food product of a nature, quality and appearance, and so exposed to public inspection as not to deceive or mislead nor tend to deceive or mislead a purchaser, and not misbranded and not of the character included within the definitions one to four of this section.

Sixth. If, having no label, it is an imitation or adulteration, or is sold or offered for sale under a name, designation, description or representation which is false or misleading in any particular whatever; and in case of eggs and poultry: if they have been kept or packed in cold storage, or otherwise preserved, they must be so indicated by written or printed label or placard plainly designating such fact when offered or exposed for sale.

CHAPTER 61.

An act to add a new section to the Political Code to be numbered forty-two hundred and fifty a, relating to and fixing the compensation of grand and trial jurors in the superior courts in counties of the twenty-first class.

[Approved February 22, 1900.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered and known as section forty-two hundred and fifty a, and to read as follows:

Jurors, per
diem and
mileage of.

4250a. In counties of the twenty-first class, grand jurors and jurors in the superior court shall each receive for each day's attendance, per day, the sum of three dollars, and for each mile actually and necessarily traveled from their residences to the county seat, in going only, per mile, the sum of twenty-five cents; such mileage to be allowed but once during each session such jurors are required to attend.

SEC. 2. This act shall take effect immediately.

CHAPTER 62.

An act to amend section 534 of the Political Code, relating to the salary of the superintendent of state printing.

[Approved February 22, 1909.]

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

SECTION 1. Section 534 of the Political Code is hereby amended to read as follows:

534. The annual salary of the superintendent of state printing shall be five thousand dollars. He may appoint a deputy superintendent of state printing who shall be a civil executive officer, and who shall receive a salary of two thousand four hundred dollars per annum. Salary of superintendent.
of deputy.

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

CHAPTER 63.

An act providing for the eradication of the disease known as scabies in sheep; providing for the duties of the state veterinarian in relation thereto; making certain acts in relation to sheep infected with such disease a misdemeanor; providing for a lien against such sheep for expenses and costs in the extermination of such disease; making certain persons liable for a violation of this act, and providing for the enforcement of said lien.

[Approved February 23, 1909.]

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

SECTION 1. Any person who shall knowingly sell, offer for sale, or expose in such a manner as may infect other sheep not so infected any sheep infected with the disease known as scabies shall be guilty of a misdemeanor. Sheep.
sale of
infected.

SEC. 2. Whenever, upon examination of any sheep located in any county of the State of California, the state veterinarian or his duly authorized deputy shall find such sheep or any portion of them to be infected with or to have been exposed to infection from the disease known as scabies he shall forthwith notify in writing the owner or person in control of said sheep to dip all of said sheep in a manner as directed by said officer for the purpose of eradicating said disease. Such owner or person in control of said sheep shall, within a period of ten days after receiving such notice, dip all of said sheep in a manner as directed by said officer. Must be
dipped.

Failure of
owner to
dip.

SEC. 3. If, upon the expiration of ten days from the date on which notice was given to dip sheep as provided for in section two of this act, the owner or person in control of said sheep has failed to dip such sheep in accordance with the directions of said state veterinarian or his duly authorized deputy as also provided for in section two of this act, then said officer shall immediately take possession of said sheep and proceed to eradicate said disease of scabies by dipping said sheep one or more times as may be necessary.

Examina-
tion of
suspected
flocks.

SEC. 4. Whenever the state veterinarian or his duly authorized deputy has reason to believe that the disease known as scabies exists in a flock of sheep he shall notify the owner or person in control of such sheep to gather all of said sheep in a corral in order that such sheep may be examined and inspected by said officer for the purpose of ascertaining if any or all of said sheep are infected with scabies. And if such owner or person in control of said sheep refuses or neglects to gather all of said sheep in a corral for the purposes aforesaid, it shall be the duty of said officer to gather said sheep in a corral for the purposes aforesaid; and for this purpose he is hereby authorized and empowered to hire such necessary help as may be required to gather said sheep.

Costs of
dipping.

SEC. 5. All expenses and costs of dipping sheep as provided for in section three of this act, and all expenses and costs incurred in gathering sheep as provided for in section four of this act, shall become and remain a lien on said sheep until such lien is paid or foreclosed by law.

Actions for
costs.

SEC. 6. If such lien is not paid within fifteen days after said expenses and costs have been incurred the state veterinarian shall, in the name of the people of the State of California, commence an action to foreclose said lien. Such action shall be commenced, tried, and determined in all respects as provided in the Code of Civil Procedure for the foreclosure of mortgages on personal property.

Who
liable.

SEC. 7. In any action or proceeding, civil or criminal, arising under this act, any and all persons having an interest in the sheep or in control or possession of the same, and concerning which sheep such action or proceeding is had, shall be liable severally and jointly for each violation of the provisions of this act.

SEC. 8. This act shall take effect and be in force immediately.

CHAPTER 64.

An act to amend an act entitled "An act providing for the extermination of the boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions," approved March 21, 1907, by amending sections one, two, three, and four thereof, and by adding a new section thereto to be known and numbered as section one and one half.

[Approved February 23, 1909.]

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

SECTION 1. Section one of an act entitled "An act providing for the extermination of the boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions," approved March 21, 1907, is hereby amended to read as follows:

Section 1. Any person who shall willfully or intentionally sell, offer for sale, or expose in such a manner as may infest other cattle or other live stock not so infested, any cattle having thereon or being infested with the boophilus annulatus tick, shall be guilty of a misdemeanor; *provided, however,* that the moving or handling of tick infested cattle, when same are to be immediately slaughtered, and where said cattle are loaded on railroad cars at point of origin of said cattle, shall not be deemed to be a willful or intentional exposing of such cattle as referred to in this section.

Sale of infested cattle prohibited.

Exception.

SEC. 2. A new section is hereby added to said act to be known and numbered as section one and one-half, and to read as follows:

Section 1½. Whenever cattle infested with or exposed to the infestation of the boophilus annulatus tick are to be moved for the purpose of immediate slaughter, and where no provisions are made for the loading of such cattle directly into railroad cars at their point of origin, such cattle shall only be moved or allowed to move after said cattle have first been dipped or otherwise treated in a manner as directed by the state veterinarian or his duly authorized deputy.

When must be dipped.

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

Section 2. Whenever upon examination of any cattle located in any county of the State of California the state veterinarian or his duly authorized deputy shall find such cattle or any portion of them to be infested with the boophilus annulatus tick he shall forthwith notify in writing the owner or person in control of such cattle to dip or otherwise treat all said cattle in a manner as directed by said state veterinarian or his duly authorized deputy for the purpose of eradicating such tick. Such owner or person in control of such cattle shall, within a period of fifteen days after receiving such notice, dip or other-

Duty of state veterinarian

wise treat such cattle in a manner as directed by the state veterinarian or his duly authorized deputy for the purpose of so eradicating such tick.

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

District attorney to be informed.

Section 3. If upon examining said cattle after the expiration of said period of fifteen days the said state veterinarian or his duly authorized deputy shall find that said cattle have not been so dipped or otherwise treated in a manner as directed by said state veterinarian or his duly authorized deputy, such officer shall immediately notify the district attorney of the county in which such cattle may be located.

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

State veterinarian to take possession of cattle when.

Section 4. If upon such second examination the state veterinarian or his duly authorized deputy shall find that said cattle have not been dipped or otherwise treated in a manner as directed by said state veterinarian or his duly authorized deputy for the purpose of eradicating and destroying said tick, said officer shall immediately take possession of said cattle and proceed to eradicate and destroy said tick by dipping or causing to be dipped or by otherwise treating said cattle.

SEC. 6. This act shall take effect and be in force immediately.

CHAPTER 65.

An act to amend sections 2136, 2137, 2138, 2140, 2141, 2142, 2145, 2153, 2154, 2161, 2162, 2163, 2167a, 2168, 2170, 2171, 2172, 2176, 2177, 2179, 2180, 2181, 2187, 2189, 2192, 2193, and 2195 of the Political Code, relating to the powers and duties of the state commission in lunacy, to the government and management of state hospitals for the insane and other incompetent persons, and to the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

[Approved February 26, 1909.]

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

SECTION 1. Section twenty-one hundred and thirty-six of the Political Code of the State of California is hereby amended to read as follows:

Lunacy commission to consist of whom.

2136. There shall continue to be a state commission in lunacy consisting of five members, to wit: The general superintendent of the state hospitals, the secretary of the state board of health, and the three members of the state board of examiners. In the absence of the governor, at any meeting of

the commission, the secretary of the state board of examiners is authorized to act in his place, with the same powers and with like effect as the governor might exercise, if present; and in the like absence of the attorney-general, the assistant attorney-general, or any deputy attorney-general may act in his place, with like authority as he might exercise, if present. All the members, other than the general superintendent, must serve without salary.

SEC. 2. Section twenty-one hundred and thirty-seven of the said code is hereby amended to read as follows:

2137. The general superintendent of state hospitals is appointed by the governor, to hold office for four years, and must not hold any other office. He must be a reputable physician, and graduate of an incorporated medical college, who has had at least ten years' actual practice in his profession, and six years' actual experience in the care and treatment of the insane, at least one year of which must have been in the state hospitals of this state. His salary shall be fixed by the commission, and can not be changed during his term of office, and shall be paid at the same time and in the same manner as are the salaries of other state officers.

Superintendent of State Hospitals.

Salary.

SEC. 3. Section twenty-one hundred and thirty-eight of said code is hereby amended to read as follows:

2138. The secretary of state must provide the commission with a suitably furnished office in the state capitol, in which it must hold stated meetings at least once in every month. It may hold other meetings at such office, or elsewhere, at such times as it may be deemed necessary.

Office rooms.

SEC. 4. Section twenty-one hundred and forty of said code is hereby amended to read as follows:

2140. The reasonable expenses of the commission, and the salaries of the necessary employees must be paid by the treasurer of state on the warrant of the controller, out of any money appropriated for the support of the insane, feeble-minded and other incompetent persons, pro rata, from the amount appropriated for the maintenance of each hospital, or from the money appropriated for the expense or support of the commission.

Expenses of commission, how paid.

SEC. 5. Section twenty-one hundred and forty-one of said code is hereby amended to read as follows:

2141. The commission has power:

General powers of commission.

1. To appoint a secretary whose term of office shall be four years from and after the date of his appointment and to fix his salary, which shall not be changed during his term of office, and which shall be paid at the same time and in the same manner as are the salaries of other state officers, and to appoint such other employees as it may deem necessary and fix their compensations;

2. To appoint, by its order, a competent person to examine the books, papers, and accounts, and also into the general condition and management of any institution in this chapter mentioned, to the extent deemed necessary and specified in such order;

3. To fix the annual salaries of the resident officers and treasurer of the state hospitals, which must be uniform in all the state hospitals for the insane and as near uniform as possible in all state hospitals, and to classify the other officers and employees in grades, and determine the salaries and wages to be paid in each grade, which must be uniform in all hospitals for the insane, and as near uniform as possible in all state hospitals;

4. To determine the kind and character of all employees who shall be employed at any state hospital according to the needs and objects of the hospital;

5. To permit any religious or missionary corporation or society to erect a building on the grounds of any state hospital for the holding of religious services, said building when erected to become the property of the state and to be used exclusively for the benefit of the inmates and employees of such state hospital and subject to such regulations and conditions as may be determined or imposed by said commission.

SEC. 6. Section twenty-one hundred and forty-two of said code is hereby amended to read as follows:

2142. The duties of the commission are:

General
duties of
com-
mission.

1. To take charge of the execution of the laws relating to the care, custody, and treatment of the insane, feeble-minded persons, epileptics and idiots, and other incompetent persons as provided in this chapter;

2. To examine all public and private institutions receiving and caring for the insane and other incompetent persons, and inquire into their methods of government, and the treatment of all inmates thereof;

3. To examine into the condition of all buildings, grounds, or other property connected with such institutions, and into all matters relating to their management. For the purposes specified in this subdivision, each commissioner is entitled to free access to the grounds, buildings, and all books and papers relating to any such institution, and every person connected therewith must give such information and afford such facilities for any such examination or inquiry, as the commissioners may require;

4. To make such regulations in regard to the correspondence of the inmates in said institutions in custody as in its judgment will promote their interests, which regulations must be complied with and enforced by the proper authorities of each institution; but no restriction must be placed upon the correspondence of such inmates with the superior judge and district attorney of the county from which they were committed or admitted to such institutions;

5. To adopt, for all hospitals, rules and regulations, books of record for steward's and all departments, blank forms, both clinical and otherwise, questions for examination of employees, and for examination in all the different branches of medicine and surgery, and especially in diseases affecting the mind and nervous system, of all officers and internes, for the special use of the hospital;

6. To keep in its office a record showing the name, residence, and certificate of each duly qualified medical examiner, and to immediately file, when received, each duly certified copy of a medical examiner's certificate, and advise him of its receipt and filing;

7. To keep in its office a record showing:

Records to show what.

(1) The name, residence, sex, age, nativity, occupation, civil condition, and date of commitment of every patient and inmate in custody in the several institutions for the care and treatment of insane and other incompetent persons in the state, and the name and residence of the person making the petition for commitment, and of the persons signing the medical certificate, and of the judge making the order of commitment;

(2) The name of the institution where each patient or inmate is confined, the date of admission, and whether brought from home or another institution, and if from another institution, the name of such institution, by whom brought, and the patient's or inmate's condition;

(3) The date of the discharge of each patient or inmate from such institution, and whether recovered, improved, or unimproved, and to whose care committed;

(4) If transferred, for what cause, and to what institution; and if dead, the date and cause of death;

(5) The date of discharge of each inmate from the home for feeble-minded since July 1, 1902, and mental condition when discharged;

(6) To cause to be examined at least once in six months, the books, papers, and accounts of each of the several state hospitals, the report of such examination to be filed with the superintendent of the hospital examined, and a copy of the same filed with the commission;

General duties of commission.

8. To report and recommend to the legislature the necessary prospective needs for the care, custody, and treatment of the poor and indigent insane and other incompetent persons mentioned in this chapter, and for the purpose of preventing overcrowding, it must recommend to the legislature the establishment of cottages at such of the state hospitals as in its judgment will best meet the requirements of such persons;

9. To furnish the legislature an estimate of the probable number of patients who will become inmates of the respective state hospitals during the two years beginning July first, next ensuing, and the cost of all additional buildings and equipments, if any, which will be required to carry out the provisions of this chapter relating to the care, custody, and treatment of the poor and indigent insane and other incompetents of the state;

10. To biennially report to the legislature its acts and proceedings for the two years ending June thirtieth, last preceding, with such facts regarding the management of the institutions for the insane and other incompetents as it deems necessary for the information of the legislature, including estimates of the amounts required for the use of such hospitals and the

reasons therefor; and also the annual reports made to the commission by the board of managers of each state hospital.

SEC. 7. Section twenty-one hundred and forty-five of said code is hereby amended to read as follows:

2145. There are established the following state hospitals, which are declared to be corporations:

Stockton. 1. The Stockton State Hospital at the city of Stockton, formerly known as the Stockton State Insane Asylum at Stockton;

Napa. 2. Napa State Hospital, near the city of Napa, hitherto known as the Napa State Asylum for the Insane at Napa;

Agnew. 3. Agnews State Hospital, near the city of San Jose, formerly known as the State Insane Asylum at Agnews;

Mendocino. 4. Mendocino State Hospital, near the city of Ukiah, hitherto known as the Mendocino State Insane Asylum at Ukiah;

Southern California. 5. Southern California State Hospital, near the city of San Bernardino, hitherto known as the Southern California State Insane Asylum for the Insane and Inebriates, San Bernardino.

Said state hospitals being for the care and treatment of the insane.

Sonoma State Home. 6. The California Home for the Care and Training of Feeble-Minded Children, at Eldridge, Sonoma county, which shall hereafter be known and designated as the Sonoma State Home.

The object of said home is such care, training and education of those received, as will render them more comfortable and happy and better fitted to care for and support themselves. To this end the managers must furnish them with such agricultural and mechanical education as they may be capable of receiving and all that the facilities offered by the state will allow, including farm work, shops, and the employment of trade teachers. The hospital must, on the conditions in this act prescribed, receive and care for feeble-minded persons, imbeciles, idiots, and epileptics who are not insane.

SEC. 8. Section twenty-one hundred and fifty-three of said code is hereby amended to read as follows:

2153. The medical superintendent of each hospital is its chief executive officer. In his absence or sickness the first assistant physician or other medical officer designated by the medical superintendent, or by the commission, must perform his duties and be subject to his responsibilities. Subject to the rules and regulations established by the board of managers, the medical superintendent has general superintendence of all buildings, together with their furniture, fixtures, and stock, and the direction and control of all persons therein, and must:

Duties of. 1. Personally maintain an effective supervision and inspection of all parts of the hospital, and generally direct the care and treatment of the patients and inmates. To this end the superintendent must personally examine the condition of each patient or inmate within five days after his admission to the hospital, and must visit all the wards or apartments for patients or inmates at such times as the rules and regulations of the hospital prescribe;

Sonoma Home superintendent's duties. 2. The superintendent of the home for feeble-minded must, on or before the fifth day of each month, prepare a true and

correct report, verified by oath, of all inmates supported, cared for, trained, and educated in such hospital for the preceding month, and whose support, care, training, and education in such hospital are provided to be paid for by the several counties whence they came. This report must give the names and residences of all such inmates, together with the dates of their admission, and the department of the hospital in which they are detained, and the special grade of mental deficiency with which each is afflicted. Copies of this report must be filed in the offices of the state board of examiners, the controller, the treasurer of state, and state commission in lunacy, but must not be printed, or used, nor permitted to be used, for any other purpose than the special information of the officers designated. The superintendent must also, within the time above designated, prepare a report, verified by his oath, showing substantially the facts set forth in the above report, which must be filed with the county auditors of the several counties from which the commitments have been made to the institution, showing the name of each inmate supported, and for which such county is liable to the state for support and maintenance.

3. The superintendent of the home for feeble-minded must, annually, after the close of the fiscal year, and before the date at which the managers are required to make their annual report, make to the managers a report, giving the name, age, sex, nativity, residence, and date of reception of each pupil in the institution within the preceding year, and, as far as can be ascertained, the causes of imbecility; also the number discharged, with the date and reason therefor in each case, together with the name of each paying pupil, and the amount charged for him, and the amounts paid or unpaid; and also such other information and suggestions as may seem proper; which report must be kept on file in the office of the secretary of the board, but must not be printed.

SEC. 9. Section twenty-one hundred and fifty-four of said code is hereby amended to read as follows:

2154. Salaries of resident and other officers and wages of the employees must be included in the monthly estimates and paid in the same manner as other expenses of the state hospitals. The medical superintendents, the assistant physicians, and stewards, and their families, must be furnished room, household furniture, laundry service, drugs when ill, provisions, fuel, and lights at and from the supplies of the hospital. But separate accounts must be kept of the same. The word family shall be regarded as meaning only the wife and minor children of said officers.

SEC. 10. Section twenty-one hundred and sixty-one of said code is hereby amended to read as follows:

2161. The steward, under the direction of the superintendent, shall be accountable for the careful keeping and economical use of all furniture, and, under the direction of the superintendent, shall make all purchases for the hospital according to the provisions of subdivisions thirteen and fourteen of section

Salaries
and
wages.

Steward,
duties of.

twenty-one hundred and fifty-three *a* and section twenty-one hundred and fifty-eight, receive the same, and preserve the original bills and receipts therefor, and keep full and accurate accounts of all such proceedings. The steward at all times shall have control of the farm, live stock, grounds, and all outside departments. He shall receive all supplies and see that they are the articles ordered and of proper weight and quality, reject those that are below the standard adopted. He shall exercise general supervision over the kitchen and all food supplies and see that they are properly cooked and served. He shall receive all products of farm and garden, and keep true and accurate books and accounts of such products and all supplies and materials under his supervision.

SEC. 11. Section twenty-one hundred and sixty-two of said code is hereby amended to read as follows:

Expenditures, restrictions on.

2162. No expenditure for supplies, or other purposes, must be made by the board of managers of any state hospital for the benefit of such hospital, by contract or otherwise, unless in conformity with the provisions of this chapter, in relation to estimates. No manager or officer of the hospital must be interested, directly or indirectly, in the furnishing of material, labor, or supplies for the use of the hospital.

SEC. 12. Section twenty-one hundred and sixty-three of said code is hereby amended to read as follows:

Hospitals may manufacture supplies.

2163. The state hospitals may make or manufacture such supplies and materials necessary or required to be used in any of the state hospitals and which can be economically made or manufactured therein. The necessary cost and expense of providing for the making and manufacture of such supplies and materials and to conduct and carry on the same shall be paid for out of the contingent funds of the hospitals. In making proper provision for the making and manufacture of such supplies and materials, the board of managers and the officers and employees of the hospitals shall be governed by the provisions of this act relating to the contingent fund of each state hospital. No hospital shall enter into or engage in making or manufacturing any supplies or materials unless permission for the same is obtained from the commission. Such permission must be by resolution of the commission duly passed and entered of record on the minutes of the commission. The commission may, at any time, when, in the judgment of the commission, it shall appear that the manufacture of any article or articles is not being or can not be economically carried on at a state hospital, suspend or stop the manufacture of such article or articles, and on receipt of a certified copy of the order of the commission directing the suspension or stopping of such manufacture, by the medical superintendent, the hospital shall cease from manufacturing such article or articles.

SEC. 13. Section twenty-one hundred and sixty-seven *a* of said code is hereby amended to read as follows:

Medical examiners, certificates required.

2167a. The superior judge of each county, or city and county, may grant certificates in accordance with the form prescribed by the commission, showing that the persons named

therein are reputable physicians and graduates of incorporated medical colleges, and have been in active practice of their profession at least five years, and when certified copies of such certificates have been filed with the commission, the persons therein named become known as "medical examiners," and there must at all times be at least two such medical examiners in each county. Such certificate may be revoked by the commission for incompetency or neglect, and shall not be again granted without the consent of the commission.

SEC. 14. Section twenty-one hundred and sixty-eight of said code is hereby amended to read as follows:

2168. Whenever it appears by affidavit to the satisfaction of a magistrate of a county, or city and county, that any person therein is so far disordered in his mind as to endanger health, person, or property, 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 of the county, 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, as hereinafter provided. 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 shall be in substantially the following form:

Insanity,
affidavit
for arrest
for.

In the Court,
Of,
..... County of, State of California.

Form of
affidavit.

AFFIDAVIT OF INSANITY.

In the matter of, an alleged insane person.
STATE OF CALIFORNIA, }
..... County of } ss.

....., being duly sworn, deposes and says that there is now in said county, in the city or town of, a person named, who is insane, and is so far disordered in mind as to endanger the health, person, or the property of himself, or of others, and that he, at in said county, on the day of, 19.., threatened and attempted (state actions, etc.)

That by reason of said insanity, said person is dangerous to be at large;

Wherefore, affiant prays that such action may be had as the law requires in the cases of persons who are so far disordered in mind as to endanger health, person, and property.

Subscribed and sworn to before me, this day of, 190..

WARRANT OF ARREST.

Warrant of
arrest.
form of.

In the _____ Court, _____ County of _____
State of California.

IN THE MATTER
of

An alleged insane person.

*The People of the State of California, to any Sheriff, Constable,
Marshal, Policeman, or Peace Officer, in this State:*

The affidavit of _____, having been presented this day
to me, _____, county of _____,
State of California, from which it appears that there is now in
this county, at _____ a person by the name of _____,
who is insane, and who is so disordered in mind as to endanger
h... own health, person, and property (or the person, lives,
and property of others), and that it is dangerous for said per-
son to be at large;

And it satisfactorily appearing to me that said _____
_____ is insane, and so far disordered in h... mind as
to endanger health, person, and property;

Now, therefore, you are commanded forthwith to arrest the
above named person, and take h... before a judge of the
superior court of the said _____ county of _____
for a hearing and examination on the said charge of insanity.

And I hereby direct that a copy of this warrant, together
with a copy of said affidavit, be delivered to said _____
_____, at the time of h... arrest; and I further direct
that this warrant may be served at any hour of the night.

Witness my hand, this _____ day of _____, 190...

Certificate
of service.

I hereby certify that I received the above warrant of arrest
on the _____ day of _____, 190..., and served the
said warrant by arresting the said _____
alleged to be insane, and bringing h... before _____,
judge of the superior court of said _____ county of _____
_____, on the _____ day of _____, 190...;
and I further certify that I delivered a copy of said warrant
of arrest, together with a copy of the affidavit of insanity, as
directed in said warrant, personally to said _____,
at the time of the arrest.

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 that he is charged with being insane, 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 reasonable opportunity for the production and examination of witnesses. Said 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 of the hearing on the said charge of insanity be served on such relatives of said person known to be residing in the county, as the court may deem necessary or proper.

Arraign-
ment.

Notice of
hearing.

Sec. 15. Section twenty-one hundred and seventy of said code is hereby amended to read as follows :

2170. If the medical examiners, after making the examination and hearing the testimony, believe such person to be dangerously insane, they must make a certificate, under their hand, showing as nearly as possible the facts as herein indicated, and in substantially the following form :

Certificate
of exam-
iners,
form of.

CERTIFICATE OF MEDICAL EXAMINERS.

In the Superior Court of the.....County of.....
State of California.

IN THE MATTER

of

.....
An alleged insane person.

.....
and

.....
medical examiners in thecounty of
....., duly appointed and certified as such,
do hereby certify, under our hands, that we have attended
before a judge of said court at the examination of the said
....., and have heard the testimony of
all witnesses sworn and examined upon said hearing, and
have made a personal examination of the said.....,
and have testified under oath before said court to the following
facts, which were the result of said examination:

STATEMENT OF FACTS.

1. Name,.....alleged insane person,
resides at....., county of.....;
age,.....years; nativity,.....; if
foreign born, from what port or place did he come to the
United States, and when and where did he land.....
.....; how long in California,.....;

Certificate
of exam-
iners,
form of,

place from which he came to this state,-----; sex,-----; color,-----; occupation,-----; religious belief,-----; education—illiterate, reads only, common school, academic, collegiate, or unknown. (*Strike out words not required.*) Civil condition—single, married, widowed, divorced. (*Strike out words not required.*) If female and married, give maiden name,-----; give maiden name of mother,-----; number of children of mother: living,-----; dead,-----.

2. Has either parent been addicted to the use of opium, cocaine, tobacco, or alcoholic beverages to excess, or other stimulating narcotics?-----

3. Have any relatives been eccentric or peculiar in any way in their habits or pursuits?----- If so, how?----- Have any relatives, direct or collateral, suffered, or are they suffering, from any form of chronic disease, such as consumption or tuberculosis, syphilis, rheumatism, neuralgia, hysteria, or nervousness, or had epilepsy or falling sickness?-----

4. Which parent does alleged insane person resemble mentally,-----; physically,-----; habits (cleanly or uncleanly)-----

(a) Has alleged insane person ever been addicted to masturbation or sexual excesses?----- If so, for how long?-----

(b) Has alleged insane person ever had convulsions?----- If so, when did he have the first one?----- When the last one?-----

(c) State alleged insane person's habits as to use of liquor, tobacco, opium, or other drugs, and whether excessive or moderate-----

(d) What is alleged insane person's natural disposition or temperament, and mental capacity?-----

5. Has alleged insane person insane relatives?-----; If so, state the degree of consanguinity, and whether paternal or maternal,-----

6. What is alleged insane person's general physical condition?-----

7. Specify any disease of which alleged insane person has suffered, or does suffer, or any injury received-----

8. Has alleged insane person ever been an inmate of an institution for the insane?----- If so, state when, where, and how long----- Whether discharged or otherwise-----

(a) Number of previous attacks----- (b) Date of previous attacks----- (c) Length of time each previous attack lasted-----

9. Present attack began,----- Was the present attack gradual or rapid in its onset?-----

10. Is alleged insane person noisy, restless, violent, dangerous, destructive, incendiary, excited or depressed?-----

(a) Homicidal or suicidal? (If either homicide or suicide has been attempted or threatened, it should be so stated.) Certificate of examiners, form of.

- 11. Age when menses appeared,
- (a) Amount and character before insanity appeared,
- (b) Since insanity appeared,
- 12. Has the change of life taken place?
- (a) Was it gradual or sudden?
- (b) How changed from normal?
- 13. Memory,
- (a) Sleep,
- (b) Headache or neuralgia,
- (c) Constipation or indigestion,
- (d) Hallucinations,
- (e) Delusions, (specify, if possible, and whether fixed or changeable.)

14. What is the supposed cause of insanity?—Predisposing,

Exciting,

Other facts indicating insanity. (State what the alleged insane person said and did in the presence of the examiners, and how changed in business or social habits, and disposition, as communicated to examiners by others.)

.....

What treatment has been pursued (state remedies given, and whether hypodermically or not)?

Whether patient has been restrained by muff, belt, or otherwise,

Diagnosis:

Name and address of correspondent,

Telegraphic address,

Relationship of correspondent to alleged insane person,

And we do further certify that we believe the said

..... is so far disordered in his mind as to endanger

(state whether the danger is to health, person, and property, or either, or any, as the case may be.) Findings of examiners.

Dated this day of, 19...

.....

Medical examiners in the county
of, State of California.

SEC. 16. Section twenty-one hundred and seventy-one of said code is hereby amended to read as follows:

2171. The judge, after such examination and certificate Judgment.
made, if he believes the person so far disordered in his mind as to endanger health, person, or property, must adjudge him insane, and 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 insane person and of the persons legally liable for his maintenance,

as far as can be ascertained. Such order and statement shall be in substantially the following form:

Commitment form of.

JUDGMENT OF INSANITY AND ORDER OF COMMITMENT OF INSANE PERSONS.

In the Superior Court of the..... County of..... State of California.

IN THE MATTER of An alleged insane person.

On this..... day of....., A. D. 190..., a person alleged to be insane, was brought before me in open court, for a hearing and examination on a charge of insanity, on the affidavit of....., charging h.... with insanity, made before, and on a warrant of arrest issued thereon by....., a magistrate of said..... county of....., and upon the order of this court, fixing time and place for the hearing and examination of said charge, made in open court, and it appearing to the court that said alleged insane person, when said order was made, was then and there personally present in open court, and was then and there informed by the court thathe was charged with being insane, and of h.... rights to make a defense to such charge, and of his right to be represented by counsel, and to produce witnesses on h.... behalf, and to have subpoenas issued to compel the attendance of witnesses, and was further informed that, if at such hearing and examination,he should be ordered committed, thathe might, within five days after the making of such order of commitment, demand that the question of h.... insanity be tried by a jury before said superior court.

And it further appearing to the court, that the original order fixing time and place for said hearing and examination, was entered in the minutes of the court by the clerk thereof, and a duly certified copy of said order was duly served on said alleged insane person, and upon....., relatives of said alleged insane person, residing in said..... county of....., as were deemed by the court necessary or proper persons to be served with notice of the arrest of said alleged insane person, and of the hearing on said charge of insanity.

At said hearing and examination; said alleged insane person was represented by....., an attorney of this court (appointed by the court for that purpose).

The court thereupon, in open court, proceeded with the hearing and examination of said alleged insane person, and.....

Commit-
ment,
form of.

were sworn and examined as witnesses in regard to the mental condition of said alleged insane person, h... financial condition, and that of the persons liable for h... care, support, and maintenance.

At said hearing and examination, there were in attendance, ----- and -----, two regularly appointed and qualified medical examiners of said ----- county, who then and there heard the testimony of all the witnesses, and each of whom made a personal examination of said alleged insane person, and testified before the court as to the results of such examinations, and other pertinent facts within their knowledge.

Said medical examiners, after making the examination and hearing the testimony of the witnesses, and testifying as aforesaid, did make a certificate showing all the facts required by section 2170 of the Political Code, which certificate is hereto attached and made a part hereof.

Now, therefore, after such examination and certificate made as aforesaid, the court being satisfied from the testimony of said witnesses, and of the truth of the matters set forth in said certificate, that said ----- is insane, and is so far disordered in mind as to endanger health, person, and property, and that it is dangerous for life, health, person, and property, for such person to be at large, and that h... condition is such as to require care and treatment in a hospital for the care and treatment of the insane.

It is therefore ordered, adjudged, and decreed, that said ---- is insane, and that -- he be committed to and confined in the ----- state hospital, at -----, California.

It is further ordered and directed, that -----, sheriff of the ----- county of -----, take, convey, and deliver said ----- to the proper authorities of said hospital, to be held and confined therein as an insane person.

The sum of ----- dollars having been found on the person of said person at the time of h... arrest, the said sheriff is ordered to take possession of the same and deliver it to the medical superintendent of said institution with said insane person.

Done in open court this ----- day of ----- 19..

Judge of the superior court, -----
-----, State of California.

Commitment, form of.

STATEMENT OF FINANCIAL ABILITY.

As to the ability of said _____ to pay for h_____ care and support at the hospital, I find on diligent inquiry that said _____ is possessed of real estate of the estimated value of _____ situated in _____ and of the following description: _____

also the following described personal property: _____

that the income from said property is as follows: _____

that said _____ is able to pay the sum of _____ per month _____ for h_____ care and support at the _____ Name and address of guardian: _____ residing at _____

Or—

That said _____ has relatives as follows: _____ residing at _____ residing at _____ residing at _____

That said relatives are financially able to pay for the care and support of said _____, at the hospital, the sum of _____ per month.

Dated _____, 190_____

Judge of the superior court, _____ county of _____, State of California.

CLERK'S CERTIFICATE.

Commitment, certificate of clerk to.

STATE OF CALIFORNIA, } ss. _____ County of _____ }

I, _____, county clerk and ex officio clerk of the superior court of the _____ county of _____, do hereby certify the foregoing to be a full, true, and correct copy of the original affidavit of insanity and order of arrest, order fixing time for hearing and examination, statement of financial ability, certificate of medical examiners, judgment of insanity and order of commitment on file in my office, and that I have carefully compared the same with the originals.

In witness whereof, I have hereunto set my hand and affixed the seal of said superior court, this _____ day of _____, 190_____

County clerk and ex officio clerk of the superior court of the _____ county of _____, State of California.

By _____ Deputy Clerk.

Copies of such order, of the certificate of the examiners and of such accompanying statement must be filed with the county clerk, and said order must be recorded by the county clerk of the county in which such order was made as are other judgments of said court. He shall also keep, in convenient form, an index book, showing the name, age, and sex of the person so ordered to be confined in any such hospital, with the date of the order and the name of the hospital in which the person is ordered to be confined. No fees must be charged by the clerk for performing any of the duties provided for in this section.

SEC. 17. Section twenty-one hundred and seventy-two of said code is hereby amended to read as follows:

2172. The insane person, together with certified copies of the affidavit, warrant of arrest, and of the order for hearing and examination, the order and accompanying statement of the judge and the certificate of the physicians, must be delivered to the sheriff of the county, and by him must be delivered to the officer in charge of the hospital to which such person is committed; but no female insane person shall be taken to any hospital without the attendance of some other female or of some relative of such insane person.

Delivery of
committed
person to
hospital.

Any moneys found on the person of an insane person at the time of arrest must be certified to by the judge, and sent with such person to the hospital, there to be delivered to the medical superintendent. If the sum exceed one hundred dollars, the excess must be applied to the payment of the maintenance and medical attendance of such person while in the hospital; if the sum is one hundred dollars or less, it may be expended for the personal expenses of the person or applied to the payment of funeral expenses if the person dies at the hospital.

Moneys on
person,
dis-
position
of.

SEC. 18. Section twenty-one hundred and seventy-six of said code is hereby amended to read as follows:

2176. The husband, wife, father, mother, or children of an insane person, and the guardian of his estate, must cause him to be properly and suitably cared for and maintained, and must pay the costs and charges of his commitment and transportation to a state hospital for the insane. The husband, wife, father, mother, or children of an insane person, or the estate of such insane person, shall be liable for the care, support, and maintenance of any insane person in a state hospital for the insane to which he has been or may hereafter be committed or transferred.

Support,
who
liable for.

SEC. 19. Section twenty-one hundred and seventy-seven of said code is hereby amended to read as follows:

2177. The commission may inquire into the manner in which any insane person, not confined in a state hospital, is cared for and maintained; and if, in its judgment, he is not properly and suitably cared for, it may apply to a judge of the superior court for an order to commit him to a state hospital under the provisions of this act. Such order must not be made unless the judge finds, and certifies in the order, that the insane person is not properly or suitably cared for by his relatives or guardian, or that it is dangerous to the public to

Insane not
in state
hospitals.
inquiry as
to.

allow him to be cared for and maintained by such relatives or guardian.

SEC. 20. Section twenty-one hundred and seventy-nine of said code is hereby amended to read as follows:

Estates of
insane,
guardians
of.

2179. In case any person who has been or shall hereafter be committed to any state hospital for the insane, shall be or shall hereafter become the owner of any property, real or personal, the secretary of the state commission in lunacy, in case such insane has no guardian, may apply to a court of competent jurisdiction for the appointment of a guardian of the estate of such insane person. Where an insane person shall die in a state hospital leaving an estate, and having no relatives or guardian, or in case the secretary of the state commission in lunacy shall be such guardian, such secretary may apply for letters of administration on such estate, but shall receive no compensation for his services as such administrator unless the estate shall be sufficient to pay all claims against said estate.

SEC. 21. Section twenty-one hundred and eighty of said code is hereby amended to read as follows:

Mainte-
nance,
monthly
rate for.

2180. The monthly rate for the care, support, and maintenance of all insane patients at state hospitals for the insane, where there is liability to pay for such care, support, and maintenance, shall be fifteen dollars per month payable in advance; *provided, however*, the medical superintendent of a state hospital for the insane shall, on the order of the commission, reduce or remit the amount to be paid by the estate or the relatives, as the case may be, liable for the care, support, and maintenance of any insane person committed thereto and confined therein, on satisfactory proof that said estate or said relatives, as the case may be, are unable to pay the said sum of fifteen dollars per month. If any insane person die at any time, while his estate is liable for his care, support, and maintenance and other expenses at a state hospital, the claim for such amount as may be due, may be presented to the executor or administrator of his estate and paid in the same manner as are other debts and claims against the estate of a deceased person.

SEC. 22. Section twenty-one hundred and eighty-one of said code is hereby amended to read as follows:

Payment
for main-
tenance,
how
enforced.

2181. If said insane person has sufficient estate for the purpose, it shall be the duty of the guardian of his estate to pay for his care, support, maintenance and necessary expenses at the hospital to the extent of the estate. Payment for said care, support, maintenance and expenses may be enforced by the order of the judge of the superior court where said guardianship proceedings are pending. On the filing of a petition therein by the secretary of the commission, showing that said guardian has failed, refused or neglected to pay for said care, support, maintenance and expenses, the court, by order, shall direct the payment by the guardian. Such order may be enforced in the same manner as are other orders of the court. If there is not at any time sufficient money on hand in the estate

of said insane person to pay the claim of a state hospital for the care, support, maintenance and expenses of said insane person therein, the court may, on petition of the guardian of the estate, or if said guardian fails, refuses or neglects to apply, on the petition of the secretary of the commission, make an order directing the guardian to sell so much of the other personal or real estate or both, of said insane person as may be necessary to pay for the care, support, maintenance, and expenses of said insane person at said hospital. From the proceeds of such sale, the guardian shall pay the amount due for the care, support, maintenance, and expenses at said hospital, and also such other charges as are allowed by law. *Provided, however,* payment for the care, support, maintenance, and expenses of any insane person at a state hospital shall not be exacted when such payment will, in any case, where there is a likelihood of such insane person recovering or being released from said hospital, reduce his estate to that extent, in the event of his discharge from the hospital, he is likely to become a burden on the community.

SEC. 23. Section twenty-one hundred and eighty-seven of said code is hereby amended to read as follows:

2187. 1. When the building of any state hospital becomes overcrowded with patients or inmates, or the number of buildings is reduced by fire, or other casualties, or for other sufficient cause, the commission may, in its discretion, cause the transfer of patients or inmates therefrom or direct that patients or inmates required to be sent thereto, be transferred to another state hospital, where they can be conveniently received, or make, in emergencies, temporary provision for their care, preference to be given in such transfer to a hospital in an adjoining rather than a remote district. The expense of such transfer is chargeable to the state, and the bills for the same, when approved by the commission, must be paid by the treasurer of state on the warrant of the controller, out of any moneys provided for the care or support of the insane.

Transfer
of patients
from one
hospital to
another.

2. Patients may be transferred at the request of relatives or friends; *provided,* there is room in the hospital to which transfer is sought, but in case of transfers made as last provided the expense of such transfers shall be paid by such relatives or friends; *provided, further,* that transfers as last provided, shall not be made unless the consent of the commission and the medical superintendents of the hospitals from which and to which said transfer is to be made be obtained.

3. The commission, when it deems it necessary, may transfer any inmate of the home for feeble-minded for care and treatment to a state hospital for the insane for care and treatment therein and the counties, guardian, relatives or friends of such inmate shall be liable for his care, support and maintenance in said hospital for the insane in the same manner and to the same extent as if the said patient had been originally committed to the said state hospital at the date of such transfer. The commission, when it deems it necessary, may transfer any patient in any state hospital for the insane to the said home

for care and treatment therein. The estate, relatives or friends of such patient, or the county from which such patient was originally committed, shall be liable for the care, support, and maintenance of such patient at the said home in the same manner and to the same extent as if the said patient had been originally committed to the said home at the date of such transfer.

SEC. 24. Section twenty-one hundred and eighty-nine of said code is hereby amended to read as follows:

Discharge
of
patients.

2189. The superintendent of a state hospital on filing his written certificate with the secretary of board of managers, may discharge any patient, except one held upon an order of a court or judge having criminal jurisdiction in an action or proceeding arising out of a criminal action or proceeding arising out of a criminal offense, at any time, as follows:

A patient who, in his judgment, has recovered;

Any patient who is not recovered, but whose discharge, in the judgment of the superintendent, will not be detrimental to the public welfare, or injurious to the patient. The medical superintendent may, when he deems it advisable, refuse to discharge any patient as improved, unless the guardian, friends or relatives of such patient shall satisfy such medical superintendent that they are financially able and willing to properly care for such patient after his discharge. When the superintendent is unwilling to certify to the discharge of an unrecovered patient, upon request, and so certifies in writing, giving his reasons therefor, any superior judge of the county in which the hospital is situated may, upon such certificate, and an opportunity of a hearing thereon being accorded the superintendent, and upon other proofs as may be produced before him, direct, by order, the discharge of such patient, upon such security to the people of the state as he may require for the good behavior and maintenance of the patient. The certificate and the proof, and the order granted thereon, must be filed in the clerk's office of the county in which the hospital is situated, and a certified copy of the order in the hospital from which the patient is discharged.

Parole.

The superintendent may grant a parole to a patient, not exceeding thirty days, under general conditions prescribed by the commission.

Criminal
patients.

A patient committed to a hospital under the provisions of chapter six, title ten, part two, of the Penal Code, must, upon the certificate of the superintendent that such person has recovered, approved by the superior judge of the county from which the patient was committed, be redelivered to the sheriff of such county, and dealt with as provided for by said chapter six of the Penal Code.

Idiots.

The medical superintendent of a state hospital may on his own motion and must on the order of the commission, discharge any patient who is not insane, or because he is not a proper case for treatment therein, or because such patient is a case of idiocy, imbecility, chronic harmless mental unsoundness or acute mania a potu. Such person, when discharged, shall be

returned to the county from which he was committed at the expense of said county. When such person is a poor and indigent person he shall be delivered to the sheriff of the county who must take the necessary steps for the care of such person. When such person is a poor and indigent person he shall be cared for by such county as are other indigent poor. When any person is discharged from any state hospital as is last herein provided he shall not be again committed to any state hospital for the insane unless permission for such recommitment be first obtained from the medical superintendent thereof. Said medical superintendent shall refuse to receive such person on such recommitment unless such permission is obtained as herein provided.

When any person is discharged as recovered from a state hospital a copy of the certificate of discharge duly certified by the secretary of the board of managers, may be filed for record with the clerk of the superior court of the county from which said person was committed. The clerk shall record the same in a book kept for that purpose and shall keep an index thereof. No fees shall be charged by the clerk for performing such duties. Such certified copy of such certificate and the record of the same shall have the same legal effect as the original, and if no guardian has been appointed for such person as provided by sections seventeen hundred and sixty-three and seventeen hundred and sixty-four of the Code of Civil Procedure, such certificate, duly certified copies thereof and such record thereof shall have the same legal force and effect as a judgment of restoration to capacity made under the provisions of section seventeen hundred and sixty-six of the Code of Civil Procedure. The term patient as used in this section shall be regarded as referring to and including inmates of the home for the feeble-minded.

Whenever any person duly adjudged to be insane has been duly committed to a state hospital for the insane under the provisions of any law of this state, and for whom no guardian has been appointed, and who is absent from the hospital to which he was committed or transferred under the order of commitment, on parole or leave of absence granted by the medical superintendent thereof, or who has been discharged therefrom as improved by said superintendent as provided by this section, is desirous of being declared sane and restored to legal capacity, said insane person or a relative or friend on his behalf may make application in writing to said medical superintendent to be declared sane. On receiving such application, said medical superintendent may make such examination of such person and require such proof as he may reasonably deem necessary to determine whether or not such person is sane. For the purpose of making such examination said superintendent may also require said person to present himself at the hospital for examination. If on making such examination and receiving such proofs as he deems reasonably necessary said medical superintendent shall be satisfied that said person is sane and has recovered his reason, said medical superintendent shall

Certificate
of
discharge.

Restora-
tion of
legal
capacity.

issue to said person his certificate that such person is sane, and recovered and restored to reason. A copy thereof, duly certified, shall be immediately forwarded to the state commission in lunacy, who shall file the same in their office. A copy thereof shall also be filed at said hospital and a proper record made thereof.

Hearing to
establish
sanity.

If said medical superintendent is unwilling or refuses, however, to issue a certificate of recovery upon application as in this section provided, he shall so certify in writing, giving his reasons therefor, and said insane person or a relative or friend in his behalf may make application by petition duly verified to a judge of the superior court of the county where such insane person resides to be declared sane. Notice of the hearing of said application shall be given in the manner directed by a judge of said court, to said medical superintendent, and to such relative or relatives of such insane person residing in the county as the judge may direct, who may have opportunity to appear and be heard on the hearing of said application. Such hearing shall be conducted as are civil cases, and on demand of the petitioner the question of the insanity of such person may be tried by a jury, as in civil cases. If on the hearing of said application the court is satisfied from the proofs produced or if a jury trial is had, and the jury shall render a verdict that such person is sane, the court shall by order adjudge such person to be sane. Said order shall be filed and recorded in the office of the county clerk and certified copies thereof shall be sent by said clerk and filed with the state commission in lunacy and also with the superintendent of the hospital from which said insane person was paroled, granted leave of absence or discharged as improved. If said matter is tried by a jury the cause against said insane person shall be represented by the district attorney of the county. From a decision of the court or verdict of the jury finding the said person insane an appeal may be taken as in civil cases. If three fourths of the jury fail to declare said person sane, or the court or the jury shall find such person to be insane, said proceeding shall be dismissed and no new application to declare such person sane shall be made for six months thereafter.

May be
before
jury.

Whenever any person who has been adjudged to be insane, who has not been committed to a state hospital for the insane, and who has no guardian, is desirous of being declared sane and restored to legal capacity, said insane person or a relative or friend on his behalf may, by petition duly verified, make application to a judge of the superior court where he resides to be declared sane; said judge shall fix a time for the hearing of said application, and he may, by order, direct that notice of said hearing be given in the manner and to such relative or relatives of said person residing in the county where such application is made, as the judge may direct, who shall have opportunity to appear and be heard at said hearing. Such hearing shall be conducted as are civil cases, and on demand by the petitioner may be tried before a jury as are civil cases. If on said hearing the decision of the court or the verdict of the jury

is that such person is insane, an appeal may be taken to the supreme court as in civil cases. If the court shall decide or the jury shall render a verdict declaring said person to be sane, the court shall make an order declaring said person to be sane. If three fourths of the jury fail to unite in a verdict, or the court or jury shall decide that such person is insane, such proceeding shall be dismissed, and no new application to have such person declared sane shall be made for six months thereafter.

Before any order is made or any proceedings are taken for a trial by jury, the person demanding the same shall make a deposit, or give a bond, to be approved by a judge of the superior court where proceedings are had for the payment of all costs of such trial, unless, in the opinion of said judge, the insane person in whose behalf said trial is demanded is a poor or indigent person. Costs of trial.

The certificate of recovery by the medical superintendent, the order of the judge or the verdict of a jury and the order of the judge as in this section provided, shall have the same legal effect as a discharge as recovered, and shall be prima facie evidence of the sanity of such person.

SEC. 25. Section twenty-one hundred and ninety-two of said code is hereby amended to read as follows:

2192. Whenever any parent, guardian, or other person charged with the support of an imbecile or feeble-minded person, or any idiot, or epileptic who is not insane, desires him to be admitted into the home for feeble-minded, he may petition the superior court of the county in which he resides, for an order admitting such person to such hospital. The judge must inquire into the condition or status of such person, and if he finds him to be an imbecile, feeble-minded person, idiot or epileptic, and that he has been a resident of the state for one year next preceding the presentation of the petition, such judge must make an order that he be received, maintained, and educated in such hospital, and on the presentation of such order the superintendent must receive him therein, if the hospital is not already full, or the fund available for its support exhausted; but the imbecile, feeble-minded person, idiot, or epileptic, need not be received if, in the judgment of the management of the hospital or the commission, he is not a suitable subject for admission thereto. The judge must inquire into the financial condition of the parent, guardian, or other person charged with the support of any such person, and if he finds him able, in whole or in part, to pay its expenses at such hospital, he must make a further order requiring such parent, guardian, or other person charged with the support of such person to pay to the hospital at stated periods such sums as, in the opinion of the judge, are proper during such time as the person may remain in such hospital. This order may be enforced by such further orders as the judge deems necessary, and may be varied, altered, or revoked in his discretion, and the board of managers may, with the approval of the commission, cause the peremptory discharge of any person who Sonusa State Home procedure for admission to.

has been an inmate or patient for the period of one month. For each child or other person committed to such home there shall be paid by the county from which he is committed to the state treasury the sum of ten dollars monthly for and during each month, or part of month, such person so committed remains an inmate of the hospital, in case the payments herein provided to be made by the parent, guardian, or other person charged with the support of any such person shall not be made.

SEC. 26. Section twenty-one hundred and ninety-three of said code is hereby amended to read as follows:

Amounts
due state,
settle-
ments for.

2193. Each county auditor must include in his state settlement report rendered to the controller in the months of May and December the amount due the state under this act by reason of commitments to the home for feeble-minded; and the county treasurer, at the time of the settlement with the state in such months, must pay to the state treasurer, upon the order of the controller, the amounts found to be due to the state by reason of the commitments herein referred to.

SEC. 27. Section twenty-one hundred and ninety-five of said code is hereby amended to read as follows:

Life tenure
patients at
Sonoma
Home.

2195. Nothing in this chapter contained interferes with or affects the status of such inmates as may now be in the home for feeble-minded under terms of life tenure. For all cases the commission is authorized and directed to secure from the proper officers of the several counties whence the inmates were committed or received, such arrangements for commitment under the terms of this act as may prevent such inmates becoming a sole charge upon the state.

SEC. 28. This act shall take effect and be in force twenty days after its passage and approval.

CHAPTER 66.

An act repealing an act approved March 11th, 1907, and entitled "An act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa county, State of California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum for the fifty-ninth fiscal year and for each and every year thereafter and to that end to amend section one of an act approved March 20th, nineteen hundred and five, entitled 'An act to amend section one of an act entitled 'An act to amend section one of an act approved March 20th, eighteen hundred and ninety-nine, entitled 'An act to amend an act entitled 'An act to amend an act approved February 28th, eighteen hundred and eighty-seven, entitled 'An act to amend an act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7th, eighteen hundred and eighty-three, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23d, eighteen hundred and ninety-three, reducing the amount of such appropriation per capita, approved March 12th, nineteen hundred and one, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, sailor or marine admitted to or residing at said home.' "

[Approved February 26, 1909.]

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

SECTION 1. An act approved March 11th, 1907, and entitled "An act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa county, State of California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum for the fifty-ninth fiscal year and for each and every year thereafter and to that end to amend section one of an act approved March 20th, nineteen hundred and five, entitled 'An act to amend section one of an act entitled 'An act to amend section one of an act approved March 20th, eighteen hundred and ninety-nine, entitled 'An act to amend an act entitled 'An act to amend an act approved February 28th, eighteen hundred and eighty-seven, entitled 'An act to amend an act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7th, eighteen hundred and eighty-three, providing for an increase in the annual appropriation thereof, and changing the time for the payment

Repeal of
act of 1907.

thereof,' approved March 23d, eighteen hundred and ninety-three, reducing the amount of such appropriation per capita, approved March 12th, nineteen hundred and one, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, sailor or marine admitted to or residing at said home,' is hereby repealed.

SEC. 2. This act shall take effect immediately.

CHAPTER 67.

An act to repeal an act entitled "An act supplementary to and amendatory of an act entitled 'An act concerning common schools in the city of Placerville, approved April first, eighteen hundred and sixty-four,' to provide ways and means for building, furnishing, and repairing schoolhouses in said city, and for other purposes, approved March 16, 1874."

[Approved February 26, 1909.]

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

Repeal of
act of 1874.

SECTION 1. An act entitled "An act supplementary to and amendatory of an act entitled 'An act concerning common schools in the city of Placerville, approved April first, eighteen hundred and sixty-four,' to provide ways and means for building, furnishing, and repairing schoolhouses in said city, and for other purposes, approved March 16, 1874," is hereby repealed.

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

CHAPTER 68.

An act to repeal an act entitled "An act concerning common schools in the city of Placerville, approved April 1, 1864."

[Approved February 26, 1909.]

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

Repeal of
act of 1864.

SECTION 1. An act entitled "An act concerning common schools in the city of Placerville, approved April 1, 1864," is hereby repealed.

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

CHAPTER 69.

An act authorizing and directing the directors of the State Agricultural Society to have wells bored on the grounds of the State Agricultural Society, near the city of Sacramento, State of California: to install suitable pumping machinery, and erect tanks for pressure for irrigation and fire protection purposes, and to furnish and equip a complete pumping plant for the use of said State Agricultural Society, and making an appropriation therefor.

[Approved February 26, 1900.]

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

SECTION 1. The directors of the State Agricultural Society are hereby authorized and directed, by and with the advice of the state engineer, and pursuant to the laws governing such public improvements, to have suitable wells bored on the grounds of the said State Agricultural Society, known as Agricultural Park, near the city of Sacramento, State of California; to install suitable pumping machinery and erect tanks high enough to give pressure for irrigation and fire protection purposes, and to otherwise furnish and equip a complete pumping plant for the use of said State Agricultural Society.

Water
supply,
provision
for.

SEC. 2. For the purpose of carrying out the provisions of this act, the sum of ten thousand dollars (\$10,000) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, and the state controller is hereby directed to draw his warrant for said sum in favor of the directors of the State Agricultural Society, and the state treasurer is hereby directed to pay the same.

Appropriation.

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

CHAPTER 70.

An act authorizing and directing the directors of the State Agricultural Society to make arrangements by day's work or by contract, for leveling and planting the grounds, and painting and repairing the buildings, at the State Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

[Approved February 23, 1900.]

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

Improvement of grounds.

SECTION 1. The directors of the State Agricultural Society, are hereby authorized and directed to make the necessary arrangements, either by day's work or by contract, subject to the approval of the state engineer, and pursuant to the general law governing such work, for leveling the in-field and other grounds at the State Agricultural Park, located near the city of Sacramento, State of California, for sowing or planting the same to grass or alfalfa, or both; for repairing the grand stand at said park; for repairing and painting the horse and cattle barns and other buildings at said park; and for making such other needed improvements as in the judgment of the said board of directors may be most urgent and necessary within the limit of the funds available.

Appropriation.

SEC. 2. For the purpose of carrying out the provisions of this act, the sum of ten thousand dollars (\$10,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated, and the state controller is hereby directed to draw his warrants from time to time, up to the full amount of this appropriation, in favor of the directors of the State Agricultural Society, and the state treasurer is hereby directed to pay the same.

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

CHAPTER 71.

An Act authorizing and directing the directors of the State Agricultural Society to erect a new building at Agricultural Park, near the city of Sacramento, State of California, to be known and designated machinery hall; fixing the requirements thereof and making an appropriation therefor.

[Approved February 26, 1909.]

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

SECTION 1. The directors of the State Agricultural Society, are hereby authorized and directed to have suitable plans prepared for, and to erect, under the direction of the state engineer, a new building at Agricultural Park, near the city of Sacramento, State of California, to be known and designated as machinery hall. The said building shall contain concrete sumps or tanks for the reception of water for demonstrating pumps and pumping machinery, and shall otherwise be constructed and arranged as to be suitable for the display of all kinds of machinery, vehicles and agricultural implements.

Machinery
hall,
erection of.

SEC. 2. The building herein provided for shall be erected in accordance with the laws governing the erection of other state structures.

SEC. 3. For the purpose of carrying out the provisions of this act, the sum of thirty thousand (\$30,000) dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, and the state controller is hereby directed to draw his warrants from time to time, as the work progresses, up to the full amount of this appropriation, in favor of the directors of the State Agricultural Society, and the state treasurer is hereby authorized and directed to pay the same.

Appropriation.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER 72.

An act making an appropriation for the completion of two buildings on the grounds of the State Agricultural Society, near the city of Sacramento, State of California, known as agricultural pavilion and manufacturers' pavilion.

[Approved February 26, 1900.]

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

Pavilions,
appropriation
for.

SECTION 1. The sum of twenty thousand dollars (\$20,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of completing in accordance with the plans and estimates of the state engineer, two buildings, heretofore provided for, on the grounds of the State Agricultural Park, near the city of Sacramento, State of California, the said buildings being respectively known as agricultural pavilion and manufacturers' pavilion; and the state controller is hereby directed to draw his warrant for said sum in favor of the directors of the State Agricultural Society, and the state treasurer is hereby directed to pay the same.

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

CHAPTER 73.

An act authorizing suits against the state concerning certain real property and regulating the procedure therein.

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

Suits
against
State to
quiet title
to certain
lands, per-
mission
for.

SECTION 1. All persons having or claiming title to the whole or any portion of the following described real property to-wit: situate in the city of Alameda, county of Alameda, State of California, described as beginning at a point on the line of ordinary high tide of San Francisco bay in the city of Alameda, which point is six (6) chains and seventy (70) links south of the granite monument set ten (10) chains north of the southeast corner of section eleven (11) in township 2 south, range 4 west Mount Diablo meridian, thence according to the true meridian as follows: N 52 $\frac{1}{2}$ ° W along said line of ordinary high tide one (1) chain and ninety-five (95) links to station and N 62° W twenty-four (24) links to station; thence leaving said line of ordinary high tide and across tide lands as follows, S 2° W, four (4) chains and sixty (60) links, east one

(1) chain and ninety-two (92) links to the southeast corner of said section eleven (11) and thence along the eastern line of said section north three (3) chains and thirty (30) links to the point of beginning, being a tract of tide lands in San Francisco bay and in said city of Alameda, in said section eleven (11) containing an area of seventy-four ($\frac{74}{100}$) hundredths of an acre; are hereby authorized to bring suit against the State of California in any court of competent jurisdiction of said state to quiet title to said land or any portion thereof, and to prosecute the same to final judgment. The rules of practice in civil cases relating to suits to quiet title shall apply to such suits as may be brought under this authorization except as otherwise provided.

Must be commenced, when.

SEC. 2. Any such suits to quiet title shall be commenced within one (1) year after this act takes effect.

SEC. 3. Service of summons in such suits shall be made on the governor and attorney general. It shall be the duty of the attorney general to defend all such suits.

Summons, service of.

SEC. 4. This act shall take effect immediately.

[Became a law, under constitutional provision, without Governor's approval, February 27, 1909.]

CHAPTER 74.

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

[Approved March 1, 1909.]

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

SECTION 1. The sum of thirty-three thousand dollars (\$33,000.00) is hereby transferred from the general fund to the state printing fund, to defray the printing expenses of the thirty-eighth session of the legislature.

Transfer of funds for legislative printing.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 75.

An act to amend sections 3921 and 3923, of the Political Code relating to and defining the boundaries of Sierra and Nevada counties.

[Approved March 1, 1900.]

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

SECTION 1. Section 3921, of the Political Code, is hereby amended to read as follows:

Sierra
county,
bounda-
ries of.

3921. Beginning at the south corner of Plumas, in the center of Slate creek, as established in section three thousand nine hundred and twenty; thence easterly on southern line of Plumas, as established in said section, to the range line between township twenty-one north, range thirteen east, and township twenty-one north, range fourteen east, Mount Diablo meridian; thence north on said range line, to the northwest corner of township twenty-one north, fourteen east, Mount Diablo B. and M.; thence east on the line between townships twenty-one, and twenty-two north Mount Diablo base, to the state line forming the northeast corner; thence south on said state line to the northeast corner of Nevada county, a point east of the Bent monument, situated as described in section three thousand nine hundred and twenty-three of the Political Code; thence west to the said Bent monument; thence down the south fork of the middle Yuba river and down the middle Yuba river to a point ten miles above the mouth of the latter; thence in a straight line northerly to a point on the north fork of the Yuba river known as Cuteye Foster's bar; down said river to the mouth of Big Canyon creek, and then up said creek four miles; thence in a straight line to the point of beginning. County seat—Downicville.

SEC. 2. Section 3923 of the Political Code of the State of California, is hereby amended to read as follows:

Nevada
county,
bounda-
ries of.

3923. Beginning at the northwest corner, at a point in the main Yuba river, at the mouth of Deer creek; thence up the main Yuba to the mouth of the middle Yuba; thence up the latter to the mouth of the south fork of the same; thence up the south fork to the Bent monument situated at the falls of said south fork, in the northwest quarter of section ten, township eighteen north, range thirteen east Mount Diablo meridian, and being one thousand feet, or thereabouts, southwest from the quarter section corner between sections three and ten, township and range aforesaid; thence to the eastern line of the state, all on the southeastern and southern lines of Yuba and Sierra; then south, along the state line to the northeast corner of Placer, as established in section three thousand nine hundred and twenty-four; thence westerly, on the northern line of Placer, as established in said section, to the source of Bear river; thence down Bear river, to a point south of the junction

of Deer creek and the main Yuba, forming southwest corner: thence north, to the place of beginning. County seat—Nevada City.

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

CHAPTER 76.

An act to define and regulate the business of banking.

[Approved March 1, 1909.]

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

ARTICLE I.

GENERAL PROVISIONS.

SECTION 1. This act shall be known as the "Bank Act," and shall be applicable to all corporations and individuals specified in the next section. Bank act.

SEC. 2. The word "bank" as used in this act includes every person, firm, company, copartnership or corporation which conducts the business of receiving money on deposit. Banks are divided into the following classes: Definition of word "bank."

- (a) Savings banks;
- (b) Commercial banks; and
- (c) Trust companies.

SEC. 3. Corporations may be formed under the laws of this state to conduct, as provided in this act, and not otherwise, any one or all of the businesses mentioned in divisions a, b and c of section 2, of this act. Corporations, how formed.

SEC. 4. The term "savings bank," when used in this act, means a bank organized for the purpose of accumulating and loaning the funds of its members, stockholders, and depositors, and which may loan and invest the funds thereof, receive deposits of money; loan, invest and collect the same with interest; and may repay depositors with or without interest, and having power to invest said funds in such property, securities and obligations as may be prescribed by this act; and to declare and pay dividends on its general deposits, and a stipulated rate of interest on deposits made for a stated period or upon special terms. Savings bank, meaning of term.

SEC. 5. The term "commercial bank," when used in this act, means any bank authorized by law to receive deposits of money, deal in commercial paper or to make loans thereon, and to lend money on real or personal property, and to discount bills, notes, or other commercial paper, and to buy and sell securities, gold and silver bullion, or foreign coins or bills of exchange. Commercial bank.

Trust com-
pany.

SEC. 6. The term "trust company," when used in this act, means any company which is incorporated for the purpose of conducting the business of acting as executor, administrator, guardian of estates, assignee, receiver, depository, or trustee.

Foreign
cor-
porations,
requir-
ments of.

SEC. 7. No foreign corporation shall transact a banking business in this state without first complying with all the requirements of the laws of this state relative to banks as defined in this act, and without having the capital paid up in this state as required by this act. And no such foreign corporation shall transact any banking business in this state until it has executed and filed with the superintendent of banks a written instrument appointing such superintendent, or his successor in office, its true and lawful attorney, upon whom all process in any action or proceeding by any resident of the state against it may be served, with the same effect as if such corporation was formed under the laws of this state and had been lawfully served with process therein. Service in favor of a resident of this state upon such attorney shall be deemed personal service on such corporation. The superintendent of banks shall forthwith forward by mail a copy of every process served upon him under the provisions of this section, postage prepaid, and directed to the secretary of such corporation, at its last known post office address. For each copy of process, the superintendent of banks shall collect the sum of two dollars, which shall be paid by the plaintiff or moving party at the time of such service, to be recovered by him as part of his taxable costs if he succeed in the suit or proceeding.

Cer-
tificates
to do
business.

SEC. 8. Every corporation, at the time it applies for a certificate to do a banking business, must file with the superintendent of banks a certified copy of its articles of incorporation, or of the statute chartering such corporation, also all instruments amending or altering such articles of incorporation or charter. Thereafter all amendments and certificates shall likewise be so filed before such instruments take effect. In like manner all copartnerships shall file certified copies of their articles of copartnership and all amendments thereto.

Branch
offices.

SEC. 9. No bank in this state, or any officer or director thereof, shall hereafter open or keep an office other than its principal place of business, without first having obtained the written approval of the superintendent of banks to the opening of such branch office, which written approval may be given or withheld in his discretion, and shall not be given by him until he has ascertained to his satisfaction that the public convenience and advantage will be promoted by the opening of such branch office; and, provided further, that no bank or any officer or director thereof, shall open or maintain such branch unless the capital of such bank, actually paid in cash, shall exceed the amount required by this act by the sum of twenty-five thousand dollars for each branch office opened and maintained. Every bank, and every such officer or director

violating the provisions of this section shall be guilty of a misdemeanor.

SEC. 10. No person shall be eligible for election as a director of a bank unless he is a stockholder of the bank, owning, in his own right, shares thereof of the actual market value of at least five hundred dollars; and every person elected to be director who, after such election, shall cease to be the owner in his own right of the amount of stock aforesaid, shall then cease to be a director of the bank, and his office shall then become vacant. If a bank be organized without capital stock, no person shall be eligible as a director thereof unless he is both a member and a depositor of such bank.

Directors,
who are
eligible.

SEC. 11. Each director of a bank, when appointed or elected, shall take an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of such bank, and will not knowingly violate or willfully permit to be violated any of the provisions of law applicable to such bank, and that he is the owner in good faith and in his own right of the shares of stock of the actual market value required by section 10 of this act, subscribed by him or standing in his name on the books of the bank, and that the same is not hypothecated or in any way pledged as security for any loan or debt; and, in case of re-election or re-appointment, that such stock was not hypothecated or in any way pledged as security for any loan or debt during his previous term. Such oath shall be subscribed by the director making it, and certified by the officer before whom it is taken; and shall be immediately transmitted to the superintendent of banks, and filed and preserved in his office.

Director,
oath
required
of.

SEC. 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 corporate 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 letterheads, billheads, blank notes, blank receipts, certificates or circulars, or any written or printed, or partly written and partly printed, paper whatever, having thereon any artificial or corporate name or other word or words indicating that such business is the business of a bank, savings bank or trust company. Every person, firm, company, copartnership or officer of a corporation violating the provisions of this section shall be guilty of a misdemeanor.

Term
"bank"
must not
be used,
when.

SEC. 13. Every person or number of persons, not being incorporated, engaged in the business of banking or publicly receiving money on deposits, must conduct such business under a name which shows the true name of all persons engaged therein, unless such person or persons have complied with the

Unincorporated
banks.

provisions of article 7, of chapter II, of title 10, of part IV of division 3 of the Civil Code.

Advertis-
ing
state-
ments, to
contain,
what.

SEC. 14. No bank, or any officer thereof, shall advertise in any manner, or publish any statement of the capital authorized or subscribed, unless it or he advertise and publish, in connection therewith, the amount of capital actually paid up. Any bank, or any officer thereof, advertising in any manner, or publishing any statement of such capital, authorized or subscribed, without a statement in connection therewith of the capital actually paid up, shall be guilty of a misdemeanor.

Depositors
known to
be dead,
statement
of.

SEC. 15. The president or managing officer of every bank must, within fifteen days after the first day of January of every odd numbered year, return to the superintendent of banks a sworn statement showing the names of depositors known to be dead, or who have not made further deposits, or withdrawn any moneys during the preceding ten years. Such statements shall show the amount of the account, the depositor's last known place of residence or post office address, and the fact of death, if known to such president or managing officer. Such president or managing officer must give notice of these deposits in one or more newspapers published in or nearest to the town or city where such bank has its principal place of business, at least once a week for four consecutive weeks, the cost of such publication to be paid pro rata out of such unclaimed deposits. This section does not apply to any deposit made by or in the name of a person known to the president or managing officer to be living, or which, with the accumulation thereon, is less than fifty dollars. The superintendent of banks must incorporate in his subsequent report such returns made to him as provided in this section. Any president or managing officer of any bank who neglects or refuses to make the sworn statement required by this section shall be guilty of a misdemeanor.

Deposits
by married
women or
minors.

SEC. 16. When any deposit with a bank shall be made by or in the name of any married woman or minor, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all other persons, except creditors, and shall be paid, together with the dividends, if any, and interest, if any, thereon to the person in whose name deposits shall have been made, and the receipt or acquittance of such minor shall be a valid and sufficient release and discharge for such deposit, or any part thereof, to the bank. When any deposit with a bank shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to such bank, in the event of the death of the trustee, the same or any part thereof, together with the dividends or interest, if any, thereon, may be paid to the person for whom the deposit was made. When a deposit with a bank shall be made by any person in the names of such depositor and another person or persons, and in form to be paid to either or the survivor or survivors of them, such deposit thereupon, and any additions thereto made by either of such persons upon

the making thereof, shall become the property of such persons as joint tenants, and the same, together with all interest thereon, shall be held for the exclusive use of the persons so named, and may be paid to either during the lifetime of all or any or to the survivor or survivors after the death of one or more of them, and such payments and the receipt or acquittance of the one to whom such payment is made shall be a valid and sufficient release and discharge to said bank for all payments made on account of such deposit.

Joint
tenants.

The surviving husband or wife of any deceased person, or, if no husband or wife is living, then the children of such decedent, and if no children are living, then the father or mother of such decedent, may, without procuring letters of administration, collect of any bank any sum which said deceased may have left on deposit in such bank at the time of his or her death; *provided*, such deposit shall not exceed the sum of five hundred dollars. Any bank, upon receiving an affidavit stating that said depositor is dead, and that affiant is the surviving husband or wife, as the case may be, or stating that decedent left no husband or wife, and that affiant is, or affiants are, the children, or the father or mother, of said decedent, and that the whole amount that decedent left on deposit in any and all banks of deposit in this state does not exceed the sum of five hundred dollars, may pay to said affiant or affiants any deposit of said decedent, if the same does not exceed the sum of five hundred dollars, and the receipt of such affiant is sufficient acquittance therefor.

Deceased
depositors,
who may
collect for.

SEC. 17. Every bank now in existence or hereafter organized shall keep in its offices, in a place accessible to the stockholders, depositors, and creditors thereof, and for their use, a book containing a list of stockholders in such corporation, and the number of shares of stock held by each; and every such bank shall keep posted in its office, in a conspicuous place, accessible to the public generally, a notice signed by the president or secretary, showing:

Stock-
holders,
list of to be
accessible.

1. The names of the directors of such bank.
2. The number and the par value of the shares of stock held by each director.

The entries on such book and such notice shall be made and posted within twenty-four hours after any transfer of stock, and shall be prima facie evidence against each director and stockholder of the number of shares of stock held by each.

SEC. 18. Every copartnership doing a banking business shall keep in its office, in a place accessible to the partners and depositors and the creditors thereof, a list of the partners and the capital paid into the copartnership of each partner.

Partnership, list of.

SEC. 19. The aggregate of paid up capital, together with the surplus, of every bank, must equal ten per centum of its deposit liabilities; such deposit liabilities shall not be increased when such proportion of paid up capital and surplus is wanting, and in no event shall said paid up capital be less than the minimum paid up capital provided by this act.

Capital:
deposit
liabilities.

And, provided also, that no savings bank shall be required to have a paid-up capital and surplus of more than one million dollars or if organized without a capital stock, a reserve fund of more than one million dollars.

Lawful
money
reserve.

SEC. 20. Every bank, other than a savings bank, shall at all times have on hand, in lawful money of the United States, gold and silver coin, gold certificates or silver certificates, an amount equal to fifteen per centum of the aggregate amount of its deposits, exclusive of state, county and municipal deposits. The amount thus to be kept on hand shall be called its lawful money reserve. Three-fifths of such lawful money reserve of any bank other than a savings bank may consist of moneys on deposit subject to call with any bank or banks other than a savings bank in this state; *provided*, that every bank receiving deposits of other banks shall maintain as a lawful money reserve at least twenty per centum of the aggregate amount of its deposits, exclusive of state, county and municipal deposits. If the lawful money reserve of any bank shall be less than the amount required by this section, such bank shall not increase its liability by making any new loans or discounts, otherwise than by discounting bills of exchange payable 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.

Dividends.

SEC. 21. The directors of banks having a capital stock may, at such times and in such manner as the by-laws prescribe, declare and pay dividends to depositors and stockholders of so much of the profits of the bank, and of the interest arising from the capital and deposits, as may be appropriated for that purpose under the by-laws or under their agreements with depositors, but every such bank shall, before the declaration of such dividend, carry at least one-tenth (1-10) part of the net profits of the stockholders for the preceding half year to its surplus or reserve fund until the same shall amount to twenty-five per centum of its paid-up capital stock. But the whole or any part of such surplus or reserve fund, if held as the exclusive property of stockholders, may at any time be converted into paid-up capital stock, in which event such surplus or reserve fund shall be restored in manner as above provided until it amounts to twenty-five per centum of the aggregate paid-up capital stock. A larger surplus or reserve fund may be created, and nothing herein contained shall be construed as prohibitory thereof. The capital and the assets of the bank are a security to depositors and stockholders, depositors having the priority of security over the stockholders, but the by-laws may provide that the same security shall extend to deposits made by stockholders.

Surplus
fund.

SEC. 22. Any corporation authorized by its articles of incorporation so to do, may combine the business of a commercial bank and savings bank and trust company, or any or all of them.

Departmental banking.

SEC. 23. Every bank doing a departmental business, shall have paid up in cash a capital stock of not less than twenty-five thousand dollars if it transacts both a commercial and savings business; and paid up in cash a capital stock of not less than two hundred twenty-five thousand dollars if it transacts both a commercial and trust business; and paid up in cash a capital stock of not less than two hundred twenty-five thousand dollars if it transacts both a savings and trust business; and paid up in cash a capital stock of not less than two hundred twenty-five thousand dollars if it transacts a commercial, savings and trust business. Such capital stock shall be increased from time to time in the same manner and to the same extent as provided for in section nineteen of this act.

Capital required.

SEC. 24. Every bank, before it commences to do business or before it opens a new department and commences to transact business in or under such new department, shall obtain the certificate of the superintendent of banks for the opening of each of the departments specified. Each certificate herein provided for shall be given when the superintendent shall, by the examination required by this act, have satisfied himself that the proper amount of cash has been paid in as capital and the provisions of this act complied with. The applicant shall pay for such certificate a fee of fifty dollars.

Certificate for each department required.

SEC. 25. Every bank shall maintain for each department a lawful money reserve equal in amount to that required by this act for the respective business conducted, and shall keep separate and distinct the lawful money reserve of any department from that of any other department; and all deposits made with other banks, whether temporary or otherwise, shall be assets of the respective departments by which they were made, and shall be so carried on the books of such other banks, and shall be repaid only upon the order of the department to whose credit they stand.

Department money reserve.

No department shall receive deposits of any other department of the same corporation; *provided, however,* that any bank having departments shall have the right to sell and transfer any bonds, securities or loans from one department to another upon receipt of the actual value thereof, if such bonds, securities or loans are a legal investment for the department purchasing the same under the provisions of this act.

Deposits, transfer of to other departments.

SEC. 26. Every bank having different departments shall keep separate books of account for each department of its business, and shall be governed as to all deposits, reserves, investments and transactions relating to each department by the provisions in this act specifically provided for the respective kind of business.

Books of account to be kept separate.

It shall keep all investments relating to the savings department entirely separate and apart from the investments of its other department or departments.

Every bank shall conduct the business of all its departments in one building, or in adjoining buildings, and shall keep entirely separate and apart in each department the cash, securities and property belonging to such department, and shall not mingle the cash, securities and property of one department with that of another.

Depositors,
security
for.

SEC. 27. All money belonging to each department, whether cash on hand or with other banks, and the investments made, shall be held solely for the repayment of the depositors in said department, until all depositors of such department shall have been paid, and the overplus then remaining shall be applied to the other liabilities of such bank.

Window-
signs,
must
contain,
what.

SEC. 28. Every individual, firm or corporation doing a banking business in this state must, on all its window-signs and in advertising, and on letterheads and other stationery on which its business is transacted, use the word "savings" if it conducts a savings business, or the word "trust" if it conducts a trust department, and the word "commercial" if it conducts a commercial department.

Non-stock
cor-
porations
heretofore
created.

SEC. 29. Every corporation heretofore created under the laws of this state, doing a banking business therein, and which has no capital stock, may elect to have a capital stock, and may issue certificates of stock therefor, in the same manner as corporations formed under the provisions of part IV, title I, chapter I, article I, of the Civil Code, relating to the formation of corporations; *provided*, that no such corporation shall use or convert any moneys or funds theretofore belonging to it, or under its control, into capital stock; but such funds or moneys must be held and managed only for the purposes and in the manner for which they were created. Before such change is made, a majority of the members of such corporation present at a meeting called for the purpose of considering the proposition whether it is best to have a capital stock, its amount, and the number of shares into which it shall be divided, must vote in favor of having a capital stock, fix the amount thereof, and the number of shares into which it shall be divided. Notice of the time and place of holding such meeting, and its object, must be given by the president of such corporation by mailing notice of such meeting to each member of such corporation at his last known post office address at least ten days prior to the day fixed for such meeting, and by publication in some newspaper printed and published in the county, or city and county, in which the principal place of business of the corporation is situated, at least once a week for three successive weeks prior to the holding of the meeting. A copy of the proceedings of this meeting, giving the number of persons present, the votes taken, the notice calling the meeting, the proof of its publication, the amount of capital actually subscribed, and by whom, all duly certified by the president and secretary of the corporation, must be filed in the office of the secretary of state and clerk of the county where the articles of incorporation are filed. Thereafter such corporation

is possessed of all the rights and powers, and is subject to all the obligations, restrictions, and limitations, as if it had been originally created with a capital stock.

SEC. 30. Any bank may conduct a safe deposit department, but shall not invest more than one-tenth of its capital and surplus in such safe deposit department. Safe deposits.

SEC. 31. Any bank may sell the whole or any portion of its assets to any other bank which may purchase its assets after obtaining the consent of the stockholders of the selling and of the purchasing bank holding of record at least two-thirds of the issued capital stock of each of such corporations; such consent to be expressed either in writing executed and acknowledged by such stockholders and attached to the instrument of sale, or to a copy thereof, or by vote at a stockholders' meeting of such banks called for that purpose. Sale of assets.

The selling and purchasing banks may for such purposes enter into an agreement of sale and purchase, which agreement shall contain all the terms and conditions connected with the sale and purchase of its assets. Agreement of sale and purchase, to contain what.

Such agreement shall contain proper provision for the payment of liabilities of the selling bank, and in this particular shall be subject to the approval of the superintendent of banks; and shall not be valid until such approval is obtained. Such agreement may contain provisions for the transfer of all deposits to the purchasing bank, subject, however, to the right of every depositor of the selling bank to withdraw his deposit in full on demand after such transfer, irrespective of the terms under which it was deposited with the selling bank.

SEC. 32. Any bank receiving trust funds in accordance with the provisions of this act relating to trust companies must not mingle such trust funds with the other assets of the corporation, and such funds shall not be carried or counted as any part of the lawful reserve provided for in this act. The officers of any bank who knowingly violate or consent to the violation of this provision shall be guilty of a felony. Trust funds.

SEC. 33. No officer or employee of any bank shall, directly or indirectly, for himself or as the partner or agent of others, borrow any of the deposits or other funds of such bank, nor shall he nor any director become an endorser or surety for loans to others nor in any manner be obligor for moneys borrowed or loaned by such bank. The office of any officer or employee who acts in contravention of the provisions of this section shall immediately become vacant, and he shall be guilty of a misdemeanor. Officers not to borrow funds.

SEC. 34. No bank shall purchase or invest its capital or money of its depositors, or any part of either, in the shares of its own capital stock; nor loan its capital or the money of its depositors, or any part of either, on the shares of its own capital stock, unless such purchase or loan shall be necessary to prevent loss on debts previously contracted in good faith. Capital stock, purchase of.

Stock thus purchased or carried shall, within six months from the time of its purchase, be sold or disposed of at public or private sale.

The officers of any bank who knowingly violate or consent to the violation of this provision shall be guilty of a felony.

Mortgages,
restrictions on
purchase
of.

SEC. 35. No director, or officer, or employee, or controlling stockholder of any bank shall, directly or indirectly, for himself or as the partner or agent of others, sell or transfer, or cause to be sold or transferred to the bank of which he is a director, officer, employee, or controlling stockholder, any mortgage on real estate or contract arising from the sale of real estate made by any corporation or syndicate in which such director or officer, or employee, or controlling stockholder is personally or financially interested, without the consent in writing of the superintendent of banks.

Any director, or officer, or employee, or controlling stockholder of any bank who knowingly violates or consents to the violation of this provision shall be deemed guilty of a felony.

Bonds,
purchase
of.

SEC. 36. No bank receiving deposits of money shall purchase, agree to purchase, underwrite or guarantee any bond issue in excess of five per centum of its assets, except bonds of the United States, of the State of California, of the cities, cities and counties, counties or school districts of this state.

Shares of
corp-
porations.

SEC. 37. No bank shall purchase, or invest its capital or money of its depositors, or any part of either, in shares of corporations, unless such purchase shall be necessary to prevent loss on debts previously contracted in good faith, and stock thus purchased or carried shall, within six months from the time of its purchase, be sold or disposed of at public or private sale, unless permission to hold said stock for a longer period shall be obtained from the superintendent of banks.

The officers of any bank who knowingly violate or consent to the violation of this provision shall be deemed guilty of a felony.

Penal lia-
bilities of
directors
and
employees.

SEC. 38. A director, officer, agent or employee of any bank who,

First—Knowingly receives or possesses himself of any of its property otherwise than in payment for a just demand, and with intent to defraud, omits to make or to cause or direct to be made a full and true entry thereof in its books and accounts; or,

Second—Concurs in omitting to make any material entry thereof; or,

Third—Knowingly concurs in making or publishing any written report, exhibit or statement of its affairs or pecuniary condition containing any material statement which is false; or,

Fourth—Having the custody or control of its books, willfully refuses or neglects to make any proper entry in the books of such corporation as required by law, or to exhibit or allow the same to be inspected and extracts to be taken therefrom by the superintendent of banks, his chief deputy or any of his examiners, shall be guilty of a felony.

SEC. 39. Any officer, director, agent, teller, clerk or em- Same.
ployee of any bank who either,

First—Knowingly overdraws his account with such bank, and thereby obtains the money, notes or funds of any such bank; and,

Second—Asks or receives or consents or agrees to receive any commissions, emolument, gratuity or reward, or any money, property or thing of value or of personal advantage, for procuring or endeavoring to procure for any person, firm or corporation any loan from, or the purchase or discount of any paper, note, draft, check or bill of exchange, by such bank, or for permitting any person, firm or corporation to overdraw any account with such bank, is guilty of a felony.

SEC. 40. No bank mentioned in this act shall make any contract with any of its depositors whereby the stockholders' liability provided for by the constitution of this state is in any manner waived, and if any such contract shall be so made, such contract shall be void. Stock-holders' liability, waiver of.

SEC. 41. No director, officer, agent, or servant of any bank shall, directly or indirectly, for his own personal benefit, purchase or be interested in the purchase of any of the obligations of said bank for a less sum than shall appear upon the face thereof. Purchase of obligations.

SEC. 42. No director, officer, agent, or servant of any bank shall, directly or indirectly, for his own personal benefit, purchase or be interested in the purchase of any of the assets of said bank, for a less sum than the current market value thereof. Every person violating the provisions of this subdivision shall be guilty of a misdemeanor. Purchase of assets.

SEC. 43. No bank shall deposit any of its funds with any other bank, unless such other bank has been designated as a depository for its funds by the vote of a majority of the directors or trustees of the bank making the deposit, exclusive of the vote of any director or trustee who is an officer, director or trustee of the depository so designated. Deposits in other banks.

SEC. 44. No bank shall hereafter make a loan secured by the stock of another bank, if by making such loan the total stock of such other bank held by such loaning bank as collateral will exceed in the aggregate ten per centum of the capital stock of such other bank; *provided* that no loan upon the capital stock of any bank shall be made unless such bank has been in existence for two or more years and has earned and paid a dividend upon its capital stock. Loans on bank stock.

SEC. 45. Interest unpaid, although due or accrued, on debts owing to any bank, shall not be included in calculation of its profits previous to a dividend. Interest unpaid.

SEC. 46. No bank shall invest or loan more than five per centum of its assets in any one bond issue, except bonds of the United States, of the State of California, of the counties, cities and counties, cities or school districts of this state. Loans on bonds.

SEC. 47. No bank shall make any loan on real estate except it be a first lien, but this provision shall not prevent the accept- Loans on realty.

ance of a second lien to secure the payment of a debt previously contracted in good faith.

National
banks,
examina-
tion of.

SEC. 48. Any national bank of this state receiving the deposits of banks organized and conducting business under this act, must, at the request of the superintendent of banks, submit to an examination by him, or his duly appointed examiners, should the superintendent of banks in his discretion deem it necessary or desirable that such examination be made; and the expense of such examination shall be paid by such national bank; and if any such national bank shall refuse to permit such examination to be made by the superintendent of banks, then the superintendent of banks shall notify in writing any and all banks depositing its funds with such national bank, to withdraw its deposits therefrom, and such bank shall comply with such order, and failure so to do shall be a misdemeanor.

Savings
banks,
advertis-
ing as.

SEC. 49. It shall not be lawful for any commercial bank, individual banker, trust company, association, firm, stock company, or corporation, to advertise or put forth a sign as a savings bank, either directly or indirectly, or in any way to solicit or receive deposits as a savings bank, except in the case of savings banks or banks having a savings department, subject to the provisions of this act.

Posting of
certificate.

SEC. 50. Every bank shall post in a conspicuous place in its banking room the last certificate obtained from the superintendent of banks, as provided for in section 127 of this act. Every bank that fails to comply with the provisions of this section is guilty of a misdemeanor.

Deposits
by order of
court.

SEC. 51. Any court having appointed and having jurisdiction of any executor, administrator, guardian, assignee, receiver, depository or trustee, upon the application of such executor, administrator, guardian, assignee, receiver, depository or trustee, or upon the application of any person having an interest in the estate administered upon by such officer or trustee, after notice to other parties in interest as the court may direct, and after a hearing upon such application, may authorize such officer or trustee to deposit any money then in his hands as such officer or trustee or which may thereafter come into his hands, and until the further order of the court, in any bank organized under the laws of the State of California: and upon such deposit being made, the officer or trustee so depositing the same shall thereafter and while such moneys remain on deposit in such bank, be relieved and discharged from all liability and responsibility therefor, and the bond required of such officer or trustee given upon his appointment shall be thereupon by said court reduced to such an amount as the court may deem reasonable; such deposit shall be repaid only upon the orders of said court, and shall be a preferred claim against such bank and be paid in full before any other depositor of such bank shall have been paid.

ARTICLE II.

SAVINGS BANKS.

SEC. 60. Every savings bank must have actually paid in a capital stock of not less than twenty-five thousand dollars, or, if organized without capital stock, a reserve fund of at least one million dollars and until said sum of twenty-five thousand dollars or said sum of one million dollars shall be actually paid in, the superintendent of banks shall refuse to issue the certificate required by this act; *provided* that nothing herein shall be construed to affect the provisions of section twenty-three of this act relative to the capital stock required of banks doing a departmental business. Capital required.

SEC. 61. Savings banks may purchase, hold and convey real and personal property as follows: May hold what property.

1. The lot and building in which the business of the bank is carried on; such lot and building shall not cost the savings bank an amount exceeding its capital and surplus; and the authority of a two-thirds vote of a full board of directors shall be necessary to authorize the purchase or construction thereof.

2. Such as may have been mortgaged, pledged, or conveyed to it in trust for its benefit in good faith, for money loaned in pursuance of the regular business of the corporation.

3. Such as may have been purchased at sales under pledges, mortgages or deeds of trust made for its benefit for money so loaned, and such as may be conveyed to it by borrowers in satisfaction and discharge of loans made thereon.

No savings bank shall purchase, hold, or convey real estate in any other case or for any other purpose; and all real estate described in subdivision 3 of this section must be sold by the bank within ten years after the title thereto is vested in it by purchase or otherwise, unless permission to hold said real estate for a longer period be given by the superintendent of banks in writing. Parcels of real estate not sold within ten years, or extension of said period as above provided, may be purchased by any persons or parties wanting them, at the price to be determined by arbitration of three persons appointed by the superior court as appraisers, at the request of the would-be purchaser.

No savings bank shall purchase, own, or sell personal property, except such as may be requisite for its immediate accommodation for the convenient transaction of its business, and mortgages on real estate, bonds, securities or evidences of indebtedness, public or private, gold and silver bullion and United States mint certificates of ascertained value, and evidences of debt issued by the United States.

No savings bank shall purchase, hold or convey bonds, securities or evidences of indebtedness, public or private, except as follows: May hold what securities.

(a) Bonds or interest-bearing notes or obligations of the United States, or those for which the faith of the United States is pledged for the payment of interest and principal.

(b) Bonds of this state.

(c) Bonds of any state in the United States that have not, within five years previous to making such investment by such bank, defaulted in the payment of any part of either principal or interest thereof.

(d) Bonds of any city, county, city and county, town, township or school district of this state.

(e) Bonds of any city, town or county which has in each case, at the time of the investment, more than twenty thousand inhabitants, as ascertained by the United States or state census made next preceding such investment, in any of the states of the United States, other than in the State of California, issued pursuant to the authority of any law of such states; *provided*, the entire bonded indebtedness of such city or county or town shall not exceed five per centum of the assessed value of the taxable property therein, including the issue of bonds in which said investment is made as shown by the last assessment preceding the investment; *and provided, further*, that such city, town or county or state in which it is situated has not defaulted in the payment of any part of either principal or interest thereon within five years previous to making such investment.

(f) First mortgage or underlying bonds of any steam railway, the income of which is sufficient to pay all operating expenses and fixed charges, and which is completed and operated, wholly or in part, in any of the states of the United States.

(g) Bonds of street railroads, water, light, light and power, gas, and other public utility and industrial corporations. All bonds authorized for investment by this section shall be secured by a mortgage or trust deed, which is, at the time of making such investment, (1) a first or underlying mortgage or trust deed of the corporation issuing said bonds, or (2) a refunding mortgage or trust deed used to retire all prior lien mortgage debts of said corporation outstanding at the time of making said investment; *provided*, that the income of such corporation is sufficient to pay all operating expenses and fixed charges and such income shall have been so sufficient for the term of three years preceding the issuance of such bonds, or that payment of its said bonds have been guaranteed by a corporation that has paid all its operating expenses and fixed charges for a period of three years prior to guaranteeing the payment of such bonds.

(h) First mortgage bonds or deeds of trust issued by real estate corporations; *provided*, that said bond issue shall not exceed sixty per centum of the market value of the real estate taken as security.

Restrictions.

No savings bank shall purchase the bonds of any corporation or make a loan on the bonds of any corporation, if the franchise of such corporation expires prior to the maturity of its bonds, or if the franchise or special privilege granted to such corporation by any city, county, or city and county, expires before the maturity of such bond issue.

SEC. 62. No savings bank shall, directly or indirectly, deal or trade in real or personal property in any other case or for any other purpose than is authorized by this act, and shall not contract any debt or liability for any purpose whatever other than for deposits, except as in this section provided.

Deposits,
debts
other than
for.

Savings banks may pay regular depositors, when requested by them, by draft upon deposits to the credit with their banks, and charge current rate of exchange for such drafts.

Exchange,
rate of.

No savings bank shall borrow money, or pledge or hypothecate any of its securities, except to meet the immediate demands of its own depositors, and then only in pursuance of a resolution adopted by a vote of a majority of its board of directors, duly entered upon their minutes, wherein shall be recorded the ayes and nays upon each vote; also with the written approval of the superintendent of banks, and he shall have the authority to fix the amount to be borrowed, and the term and rate of interest thereon; *provided, however,* that savings banks may, in the manner authorized by law, and without the written approval of the superintendent of banks, borrow the public moneys of the state, counties, cities and counties, and towns and receive such public moneys on deposit.

Securities,
hypothe-
cation of.

SEC. 63. Savings banks may issue general certificates of deposit, which are transferable, as in other cases, by indorsement and delivery; may issue, when requested by the depositor, special certificates, acknowledging the deposit by the person therein named of a specified sum of money, and expressly providing on the face of such certificate that the sum so deposited and therein named may be transferred only on the books of the bank; payment thereafter made by the bank to the depositor named in such certificate, or to his assignee named upon the books of the bank, or in case of death, to the legal representative of such person, of the sum for which such special certificate was issued, shall discharge the bank from all further liability on account of the money so paid.

Cer-
tificates of
deposit,
issue of.

All time certificates of deposit, issued by a savings bank, shall be subject to the same limitations and conditions as applied to other deposits, and notice thereof shall be given by the words "Subject to conditions of agreement with depositors" printed on the face of the certificate issued.

Time
cer-
tificates.

SEC. 64. Savings banks may prescribe by their by-laws, or by contract with depositors, the time and conditions on which repayment is to be made to depositors, except as in this act otherwise prohibited; but whenever there is any call by depositors for repayment of a greater amount than the bank may have disposable for that purpose, the directors or officers thereof must not make any new loans or investments of the funds of the depositors, or of earnings thereof, until such excess of call has ceased. The directors of any such bank, having no capital stock, must retain, on each dividend day, at least ten per centum of the net profits of the bank, to constitute a reserve fund, which must be invested in the same manner as other funds of the bank, and must be used toward paying any losses

Con-
ditions of
payment
to
depositors.

Reserve
fund.

which the bank may sustain in pursuing its lawful business. The bank may provide by its by-laws for the disposal of any excess in the reserve fund, as provided for in section 21 of this act, and the final disposal, upon the dissolution of the bank, of the reserve fund, or of the remainder thereof, after payment of losses.

Directors,
borrowing
by,
forbidden.

SEC. 65. No director, or officer of any savings bank must, directly or indirectly, for himself or as the partner or agent of others, borrow any of the deposits or other funds of such bank, nor must he become an endorser or surety for loans to others, nor in any manner be obligor for moneys borrowed of or loaned by such bank. The office of any director or officer who acts in contravention of the provisions of this section immediately thereupon becomes vacant, and every director or officer authorizing or consenting to such loan, and the person who receives such loan, shall severally be guilty of a misdemeanor.

"Creation
of debt"
defined.

SEC. 66. Receiving deposits, issuing certificates of deposit, checks, and bills of exchange, and the like, in the transaction of the business of savings banks, must not be construed to be the creation of debt within the meaning of the phrase "create debt" in section three hundred and nine of the Civil Code and as provided for in this act.

Loans,
security
for.

SEC. 67. 1. No savings bank shall loan money except on adequate security of real or personal property, and no such loan shall be made for a period longer than ten years; *provided* that no loans shall be made on unsecured notes.

Bonds,
limit of
loans on.

2. No savings bank shall invest or loan more than five per centum of its assets on any one bond issue, except bonds of the United States, of the State of California, of the counties, cities and counties, cities or school districts of this state.

3. No savings bank shall loan money to exceed ninety per centum of the market value of bonds specified in subdivisions (a), (b), (c) and (d) of subdivision three of section sixty-one of this act, and no more than eighty-five per centum of the market value of bonds specified in subdivision (e) of subdivision three of section sixty-one of this act, and no more than seventy-five per centum of the market value of bonds specified in subdivisions (f) and (g) of subdivision three of section sixty-one of this act, and no more than sixty-five per centum of the market value of personal property and stocks of corporations or banks; *provided, however*, that no loan shall be made upon the capital stock of any corporation or bank unless such corporation or bank has been in existence for two or more years and has earned and paid a dividend on its capital stock.

Realty,
limit of
loans on.

4. No savings bank shall make any loan on the security of real estate except it be a first lien and in no event to exceed sixty per centum of the market value of any piece of real estate to be taken as security, except for the purpose of facilitating the sale of property owned by the savings bank; *provided*, that a second lien may be accepted to secure the repayment of a debt previously contracted in good faith.

5. No savings bank shall purchase, invest or loan its capital or the money of its depositors, or any part of either, in mining shares or stock. Mining stocks.

6. No savings bank shall hereafter make a loan secured by the stock of another bank, if by making such loan the total stock of such other bank held by such loaning bank as collateral will exceed in the aggregate ten per centum of the capital stock of such other bank. Stocks of other banks.

Any president or managing officer who knowingly consents to a violation of the above provisions shall be deemed guilty of a felony.

SEC. 68. Savings banks must carry in cash, or its equivalent, an amount equal to four per centum of its deposit liabilities, of which two per centum of such liabilities shall be in coin or currency of standard value in its own keeping. The amount thus carried shall be called the lawful money reserve. Lawful reserve.

No new loan shall be made during any deficiency in the lawful money reserve.

Deposits with commercial banks and trust companies, on open account, to facilitate business transactions, as provided in this section, shall be permitted, and shall not be construed as loans. Deposits with commercial banks

Not more than five per centum of the deposits of any savings bank shall be deposited with any one bank.

SEC. 69. Every savings bank, and the business of every savings department of every other bank, must be conducted under and in accordance with the provisions of this act.

ARTICLE III.

COMMERCIAL BANKS.

SEC. 80. No commercial bank shall make any loans to any person, company, corporation or firm to an amount exceeding one tenth part of the capital stock of such bank actually paid in and surplus; *provided, however,* that a bank may loan to any person, company, corporation or firm a sum not exceeding twenty-five per centum of its capital stock actually paid in and surplus upon security worth at least fifteen per centum more than the amount of its loans; or it may loan ten per centum of such capital and surplus as first above provided, and a further sum not exceeding fifteen per centum of such capital and surplus upon security worth at least fifteen per centum more than the amount of such loan so secured; except that a commercial bank may buy from, or discount, for any person, company, corporation or firm, or loan upon bills of lading, warehouse receipts and bills of exchange, drawn in good faith against actual existing value or against commercial or business paper actually owned by the person negotiating the same. Loans, limit of.

SEC. 81. No loan shall be made by any commercial bank upon the securities of one or more corporations, the payment Loans; securities of corporations.

of which is undertaken, in whole or in part, severally, but not jointly, by two or more individuals, firms, or corporations:

(a) If the borrowers or underwriters be obligated absolutely or contingently to purchase the securities, or any of them, collateral to such loan, unless the borrowers or underwriters shall have paid on account of the purchase of such securities an amount in cash, or its equivalent, equal to at least twenty-five per centum of the several amounts for which they remain obligated in completing the purchase of such securities;

(b) If the commercial bank making such loan be liable, directly or indirectly, or contingently, for the repayment of such loan or any part thereof;

(c) If its term, including any renewal thereof by agreement, express or implied, exceed the period of one year;

(d) Or to an amount under any circumstances in excess of twenty-five per centum of the capital and surplus of the commercial bank making such loan.

Capital
paid up
required.

SEC. 82. Every commercial bank which is now transacting, or which may hereafter transact business, shall have actually paid in a capital stock of not less than twenty-five thousand dollars; and until said sum of twenty-five thousand dollars shall be actually paid in, the superintendent of banks shall not issue the certificate required by section twenty-four of this act; *provided* that nothing herein shall be construed to affect the provisions of section twenty-three of this act relative to the capital stock required of banks doing a departmental business.

Loans to
directors.

SEC. 83. No commercial bank shall loan any of its funds to any of its directors unless such loan shall first have been approved by a two-thirds vote of its board of directors, on which vote the borrowing director shall not participate, and the fact of making such loan, the name of the director borrowing the same, the time when the same shall become due, the rate of interest thereon, and the amount, value, and character of the security pledged therefor, if any, shall be forthwith forwarded by the cashier of such bank to the superintendent of banks; and if the superintendent of banks shall disapprove of such loan, he shall immediately notify such bank of his disapproval thereof, and such bank shall forthwith collect such loan; *provided, however*, that the total loans to all directors of such bank shall not at any one time exceed thirty per cent of the capital and surplus of such bank; *and provided, further*, that each bank having any loan or loans outstanding to any of its directors shall once each month report in writing to the superintendent of banks the name of each director to whom such loan is made, the amount of such loan, the rate of interest thereon, the time when the same shall fall due, and the security pledged therefor, if any. Any officer or director of any commercial bank violating any of the provisions of this section shall be guilty of a felony.

Monthly
reports.

ARTICLE IV.

TRUST COMPANIES.

SEC. 90. Any corporation which has been or shall be incorporated under the general incorporation laws of this state, authorized by its articles of incorporation to act as executor, administrator, guardian, assignee, receiver, depository or trustee, and having a capital of not less than two hundred thousand dollars actually paid in, in cash, may be appointed to act in such capacity in like manner as individuals and shall be known as a trust company. In all cases in which it is required that an executor, administrator, guardian, assignee, receiver, depository or trustee shall qualify by taking and subscribing an oath, or in which an affidavit is required, it shall be a sufficient qualification by such corporation if such oath shall be taken and subscribed or such affidavit made by the president or secretary or manager or trust officer thereof, and such officer shall be liable for the failure of such trust company to perform any of the duties required by law to be performed by individuals acting in like capacity and subject to like penalties; and such trust company shall be liable for such failure to the full amount of its capital stock; *provided*, any such appointment as guardian shall apply to the estate only, and not to the person. Such trust company shall be entitled to and shall be allowed proper compensation for all the services performed by them under the foregoing provisions of this act; but such compensation shall not exceed that allowed to natural persons for like services.

Execution
of trusts.Compensation
for
services.

SEC. 91. Any court, having appointed and having jurisdiction of any executor, administrator, guardian, assignee, receiver, depository, or trustee, upon the application of such officer or trustee, or upon the application of any person having an interest in the estate administered by such officer or trustee, after notice to the other parties in interest as the court may direct, and after a hearing upon such application, may authorize such officer or trustee to deposit any moneys then in his hands, or which may come into his hands thereafter, and until the further order of said court, with any such trust company; and upon deposit of such money, and its receipt and acceptance by such trust company, the said officer or trustee shall be discharged from further care or responsibility therefor. Such deposits shall be paid out only upon the orders of said court.

Deposits
by order of
court.

SEC. 92. It shall be lawful for any public administrator to deposit with any trust company having not less than two hundred thousand dollars paid-up capital, doing business in the county, or city and county, in which he is acting as such administrator, any and all moneys of any estate upon which he is administering, not required for the current expenses of the administration; *provided* that such corporation deposit with the state treasurer the securities required by this act. Such deposits shall relieve the public administrator from depositing with the county treasurer the moneys so deposited with

Public
adminis-
trators,
deposits
by.

such corporation. Moneys so deposited by a public administrator may be drawn, upon the order of such administrator, countersigned by a judge of a superior court, when required for the purpose of administration, or otherwise.

Executors,
etc.,
deposits
by.

SEC. 93. Whenever, in the judgment of any court having jurisdiction of any estate in process of administration by any executor, administrator, guardian, assignee, receiver, depository, or trustee, and after such notice to the parties in interest as the court shall direct, and after a hearing on such application, the said court may order the said officer or trustee to deposit with any such trust company, for safe-keeping, such portion or all of the personal assets of said estate as it shall deem proper; and thereupon said court shall, by an order of record, reduce the bond to be given or theretofore given by such officer or trustee, so as to cover only the estate remaining in the hands of said officer or trustee; and the property as deposited shall thereupon be held by such trust company, under the orders and directions of said court. Any court having jurisdiction of an estate being administered by a public administrator, may direct such public administrator to deposit all or any part of the moneys of the estate not required for the current expenses of the administration, with any such trust company doing business in the county, or city and county, where such public administrator is acting.

Responsi-
bility for
invest-
ments.

SEC. 94. Such trust company shall not be required to give any bond or security in case of any appointment hereinbefore provided for, except as hereinafter provided, but shall be responsible for all investments which shall be made by it of the funds which may be entrusted to it for investment by such court, and shall be liable as natural persons in like positions now are, and as hereinafter provided.

Interest.

SEC. 95. Such trust company shall pay interest upon all moneys held by it as trustee, by virtue of this act, at such rate as may be agreed upon at the time of its acceptance of any such appointment, or as shall be provided by the order of the court.

Deposit
with state
treasurer.

SEC. 96. Each trust company, before accepting any such appointment or deposit, shall deposit with the treasurer of state, for the benefit of the creditors of said trust company, the sum of one hundred thousand dollars (\$100,000), in bonds of the United States, or municipal bonds of this state, or of any county, or city, city and county, or school district thereof, or in mortgages on improved and productive real estate in this state, being first liens thereon, and the real estate being worth at least twice the amount loaned thereon; said bonds or mortgages to be approved by the superintendent of banks. The bonds and securities so deposited may be exchanged from time to time for other securities, receivable as aforesaid. Said bonds of the United States, or municipal bonds of this state, or of any county, city, city and county, or school district thereof, to be registered in the name of said treasurer, officially, and all said securities to be subject to sale and transfer, and to the

disposal of the proceeds by said treasurer, only on the order of a court of competent jurisdiction and as hereinafter provided. The state shall be responsible for the safe return of such securities deposited with the treasurer of the state under this section.

SEC. 97. Any such trust company, having a paid-up capital in excess of two hundred thousand dollars, may be permitted by the superintendent of banks to mortgage any improved and productive real estate owned by it, in excess of said amount, to the treasurer of state, for such sum as the said superintendent of banks may determine, and such mortgage may be deposited with said treasurer, and when so deposited it shall be included in the amount of securities hereinabove required to be deposited with said treasurer for the benefit of the creditors of said trust company.

May mortgage realty to state treasurer.

SEC. 98. So long as the trust company so depositing shall continue solvent, it shall be permitted to receive from said treasurer the interest or dividends on said deposits, and whenever any trust company receives trust funds as such trustee in excess of five hundred thousand dollars, it shall deposit with the state treasurer securities mentioned in section 96 of this act, to be approved by the superintendent of banks, in the amount of another one hundred thousand dollars, and for each five hundred thousand dollars of such trust funds thereafter received, an additional deposit of fifty thousand dollars of such securities likewise approved shall be made with the said state treasurer; *provided, however*, that no trust company shall be required to deposit more than one million dollars of such securities.

Interest on state deposits.

The state shall be responsible for the safe return of such securities deposited with the treasurer of the state under this section.

Liability of state.

SEC. 99. When any part of such deposit with the state treasurer is made in bonds and mortgages, it shall be accompanied by full abstracts of titles and searches, or by certificates of title issued by a person, company or corporation, whose business or objects are to make searches of titles and issue certificates of titles, and which said person, company or corporation shall be one designated or approved by said superintendent of banks, and shall be examined and approved by or under the direction of the said superintendent of banks. The fees for an examination of title by counsel to be paid by the trust company making the deposit, shall not exceed twenty dollars for each mortgage, and the fee for each appraiser, not exceeding two, besides expenses, shall be five dollars for each mortgage.

Abstracts of titles, deposit of.

SEC. 100. Before the superintendent of banks issues his certificate to any trust company, there must be filed in his office the affidavit of a majority of its board of directors or the persons named in said articles as the first directors of the corporation that at least two hundred thousand dollars of the capital stock has actually been subscribed and paid in to a person named in such affidavit for the benefit of the corporation.

Paid up capital required.

Report of trusts held.

SEC. 101. On making the report required by the terms of this act, every trust company shall, in addition to the other facts to be reported on, furnish a list and brief description of the trusts held by such corporation, the source of the appointment thereto, and the amount of real and personal estate held by such trust company by virtue thereof; except that mere mortgage trusts, wherein no action has been taken by such corporation, shall not be included in such statement.

Retirement from business.

SEC. 102. Any trust company which desires to retire from business under this act, shall furnish to the superintendent of banks satisfactory evidence of its release and discharge from all the obligations and trusts hereinbefore provided for; whereupon he shall revoke his certificate to such trust company, and thereupon the treasurer of state shall return to said trust company all its securities.

Confidential communications, disclosures, of.

SEC. 103. Except as herein otherwise provided, any trust company exercising the powers and performing the duties provided for in this act, shall keep inviolate all communications confidentially made to it touching the existence, condition, management and administration of any trusts confided to it; and no creditor or stockholder of any such trust company shall be entitled to disclosure of any such communication; *provided, however,* that the president, manager and secretary of such trust company shall be entitled to knowledge of such communication; *and provided, further,* that in any suit or proceeding touching the existence, condition, management or administration of such trust, the court wherein the same is pending may require disclosure of any such communication.

Word "trust" prohibited, to whom.

SEC. 104. The use of the word "trust" in combination with or in connection with the word "company," "corporation," "incorporation," "association," "society," "organization," or "syndicate," is hereby prohibited to all persons, firms, associations, companies or corporations other than corporations provided for by this act. Every person, firm, association, company, or corporation which uses the word "trust" in combination with or in connection with the word "company," "corporation," "incorporation," "association," "society," "organization," or "syndicate," as the name under which business is done or transacted, shall be subject to the provisions of this act and to the supervision of the superintendent of banks. Any person, firm, association, company, or corporation making use of the word "trust" in combination or in connection with the word "company," "corporation," "incorporation," "association," "society," "organization," or "syndicate," in the manner hereinabove mentioned, in the transaction of business, and not subject to the provisions of this act and the supervision of the superintendent of banks, shall be guilty of a misdemeanor.

No corporation hereafter formed shall use the word "trust" or "trustee" as a part of its corporate name unless it shall be authorized by its articles of incorporation to act as executor, administrator, guardian, assignee, receiver, depository or trustee; nor shall any corporation hereafter formed accept or exe-

ecute any trust mentioned in this act, unless it shall have complied with the provisions of this act.

SEC. 105. Every trust company shall invest its capital and trust funds received by it in accordance with the laws relative to the investment of funds deposited with savings banks, unless a specific agreement to the contrary is made between the trust company and the party creating the trust.

Investments—
laws governing.

SEC. 106. Every trust company desiring to do or doing a commercial banking business or a savings bank business, or both, in addition to its trust business, shall have paid up in cash the capital as provided in section twenty-three of this act. Such capital for each such department shall be increased from time to time in the same manner and to the same extent as though such bank were conducting separate banks instead of separate departments.

Banking
business—
requirements for
doing.

Every trust company doing a departmental business shall comply with the provisions of this act governing each of such departments as to its deposits, reserves, investments and loans.

ARTICLE V.

STATE BANKING DEPARTMENT.

SEC. 120. There is hereby created a state banking department. The chief officer of such department shall be the superintendent thereof, and be known as the superintendent of banks. He shall be appointed by the governor, and shall hold his office for a term of four years, or until his successor shall have been appointed and qualified. No person shall be appointed superintendent of banks who has not had active banking experience, either as executive officer or director of some commercial bank, savings bank or trust company, at least one half of which experience has been had in this state. He shall not, either directly or indirectly, be interested in any commercial bank, savings bank or trust company, or as an individual banker. He shall receive an annual salary of ten thousand dollars, to be paid monthly out of the state treasury on a warrant of the controller. He shall, within fifteen days from the time of notice of his appointment, take and subscribe to the constitutional oath of office, and file the same in the office of the secretary of state, and execute to the people of the state a bond in the penal sum of fifty thousand dollars, with corporate surety or two or more sureties to be approved by the governor of the state, conditioned for the faithful discharge of the duties of his office.

Superintendent,
appointment and
qualifications.

Salary.

Bond.

SEC. 121. The superintendent of banks shall employ a chief deputy, attorney and such clerks and examiners as he may need to discharge in a proper manner the duties imposed upon him by law, none of which examiners or clerks or attorney shall be interested in any bank in this state as director, stockholder, officer or employee; they shall perform such duties as he shall assign to them. He shall fix the compensation of the attorney, clerks, and examiners, which compensation shall be paid

Appointees:
employment of.

Compensation
of.

monthly, on his certificate and on the warrant of the controller, out of the state treasury. The chief deputy shall, within fifteen days from the time of his appointment, take and subscribe to the constitutional oath of office, and file the same in the office of the secretary of state, and his compensation shall be four thousand dollars per annum; *provided, however,* that the total expenditure provided for in this act shall not exceed seventy-five thousand dollars per annum.

Chief deputy.

No person shall be appointed a chief deputy who has not had at least three years' active banking experience, either as an executive officer or employee of some bank in this state. In case of the absence or inability to act, or vacancy in the office of superintendent of banks for thirty consecutive days, the chief deputy shall execute to the people of the state a bond in the penal sum of fifty thousand dollars, with corporate surety or two sureties to be approved by the controller and treasurer of the state, conditioned for the faithful discharge of the duties of the superintendent while such deputy acts as superintendent, and upon filing such bond such deputy shall have all the power and duties of superintendent of banks, until the inability of the superintendent shall be removed, or until a new superintendent of banks shall have been appointed by the governor. No superintendent of banks, chief deputy or bank examiner shall be or shall become indebted, directly or indirectly, either as borrower, endorser, surety, or guarantor to any bank under his supervision or subject to his examination.

Bond.

Principal office.

SEC. 122. The superintendent of banks shall have his principal office in the city of San Francisco, and may also have suitable rooms in the city of Los Angeles, wherein to conduct the business of the state banking department. The superintendent shall, from time to time, obtain the necessary furniture, stationery, fuel, lights, and other proper conveniences for the transaction of such business; the expense of which shall be paid out of the state treasury on the certificate of the superintendent and the warrant of the controller.

State banking fund, how created.

SEC. 123. A fund is hereby created, to be known as the state banking fund, and out of said fund shall be paid all the expenses incurred in and about the conduct of the business of the banking department, including the salary of the superintendent, chief deputy, attorney, clerks and examiners, traveling expenses, furnishing of rooms and rent. Each bank shall pay annually its share of the total amount of the salaries and expenses of the banking department, to be determined by the proportion which the deposits of any such bank bear to the aggregate deposits of all such banks receiving certificates of authorization from the superintendent of banks, as shown by the last report of such bank to the superintendent of banks.

Fund, where deposited.

All moneys collected or received by the superintendent of banks, under and by virtue of the provisions of this act, shall be by him delivered to the treasurer of the state, who shall deposit the same to the credit of said banking fund, and the unexpended balances of all moneys heretofore paid into the state

treasury by any of the bank commissioners shall be retained and become a part of said fund. If any such bank shall fail to pay such charges as are herein required, the superintendent shall forthwith cancel the certificate of said bank.

Sec. 124. Every bank shall be subject to the inspection of the superintendent of banks. The superintendent of banks, the chief deputy, or some competent person or persons to be appointed by the superintendent of banks, to be known as examiners, shall visit and examine every bank, other than a savings bank, at least twice in each year, and every savings bank at least once in each year. On every such examination inquiry shall be made by him as to the condition and resources of the bank, the mode of conducting and managing its affairs, the action of its directors, the investment and disposition of its funds, the safety and prudence of its management, the security afforded to those by whom its engagements are held and whether the requirements of its articles of incorporation and the law have been complied with in the administration of its affairs, and as to such other matters as the superintendent may prescribe. He shall have power in like manner to examine every bank whenever, in his judgment, its condition and management is such as to render an examination of its affairs necessary or expedient.

Inspection
of banks.

Powers of
examiner.

He shall also have power to examine, or cause to be examined, every agency located in this state of any foreign bank or banking corporation, for the purpose of ascertaining whether it has complied with the laws of the state, and for such other purposes and as to such other matters as the superintendent may prescribe.

Foreign
banks.

The superintendent, chief deputy, and every such examiner shall have the power to administer an oath to any person whose testimony he may require on the examination of any bank, or on the examination of any agency of any foreign bank or banking corporation, and to compel appearance and attendance of any such person for the purpose of any such examination. The result of such examination shall be certified by the persons making the examination on the records of the bank examined.

Doubtful
securities.

When a bank shall have been examined by any examiner, and he finds securities therein which are, in his judgment, of doubtful value, he shall report the same to the superintendent of banks, who thereupon shall be authorized to employ appraisers to appraise said securities, at a compensation to be fixed by the superintendent of banks.

Examiner:
oath of
office of.

Sec. 125. Every examiner appointed by the superintendent of banks shall, before entering upon the discharge of his duties, take the constitutional oath of office and cause the same to be filed in the office of the secretary of state. No such examiner shall be appointed receiver of any bank whose books, papers and affairs he shall have examined pursuant to his appointment.

Sec. 126. If the chief deputy or any examiner shall have knowledge of the insolvency or unsafe condition of any bank

Neglect of
duty.

mentioned in this act, and that it is unsafe or inexpedient to permit said bank to continue business, and shall neglect to forthwith report such fact in writing over his signature to the superintendent of banks, he shall be guilty of felony.

Transac-
tion of
business,
certificate
required
for.

SEC. 127. No bank shall transact any business in this state without the written approval of the superintendent of banks, and without his written certificate stating that it has complied with the provisions of this act, and with all the requirements of law, and that it is authorized to transact, within this state, the business specified therein, and that the requisite capital has been in good faith subscribed and paid up in cash or, if organized without capital stock that it has accumulated the requisite surplus or reserve fund. Before issuing such certificate the superintendent of banks shall examine, or cause an examination to be made, in order to ascertain whether the requisite capital of such bank has been paid up in cash or the requisite reserve or surplus fund has been accumulated. The superintendent of banks shall not authorize such bank to commence business until it appears from such examination, or other evidence satisfactory to him, that the requisite capital has been, in good faith, subscribed and paid in in cash, or that the requisite surplus or reserve fund has been accumulated or paid in in cash, and until such bank shall have paid a fee of fifty dollars. Every person who neglects to comply with any requirement of this section shall be guilty of a misdemeanor.

Fee.

Stockhold-
ers,
fitness of.

SEC. 128. When the articles of incorporation shall have been filed with the secretary of state, and application made for the issuance of a certificate to do business as a bank, the superintendent of banks shall ascertain, from the best sources of information at his command, whether the character and general fitness of the persons named as stockholders are such as to command the confidence of the community in which such bank is proposed to be located, and, if so satisfied, he shall, within sixty days after such application has been made to him, issue, under his hand and official seal, the certificate of authorization required by this act. The superintendent of banks shall transmit such certificate of authorization to the county clerk of such county, who shall file the same; the superintendent of banks shall also file a duplicate of such certificate in his own office.

Certificate
of authori-
zation.

Reports.

SEC. 129. Every bank doing a departmental business shall render to the superintendent of banks for each department conducted by it, a separate report showing in detail as required by section one hundred thirty of this act, the actual financial condition of such department and shall at the time of furnishing said report separately publish the statement for each department as provided in section one hundred thirty-two of this act.

Same.

SEC. 130. Every bank doing business in this state shall, whenever required by the superintendent of banks, make a report in writing to him, verified by the oath of its president and its secretary or cashier, or two principal officers. Such

reports shall show the actual financial condition of the bank making the report, at the close of any past day specified by the superintendent, and shall specify the following:

1. The amount of its capital stock and the number of shares into which it is divided, or, if not incorporated, the amount of capital actually paid in, and by whom. What reports shall specify.

2. The names of the directors and the number of shares of stock held by each, or, if not incorporated, the names of each member of the firm and the amount of capital paid in by each.

3. The total amount of capital actually paid up in money, and the total amount of contingent and other reserve funds, if any.

4. The total amount due the depositors.

5. The total amount and character of any other liabilities it may have.

6. The amount at which the lot and building occupied by the bank for the transaction of its regular business stands debited on its books, together with the market value of all other real estate held, whether acquired in settlement of loans or otherwise; the amount at which it stands debited on the bank books, in what counties situated, and in what name the title is vested, if not in the name of the bank itself.

7. The amount loaned on real estate, specifying the amount secured on real estate in each county separately; also specifying the name of the person in whose name the property is held in trust or as security, in case it is held in any name other than that of the bank and the instrument creating the security does not itself disclose the name of the bank.

8. The amount invested in bonds, designating the name and amount of each particular kind.

9. The amount loaned on stocks and bonds, designating each particular class and the amount thereof.

10. The amount of money loaned on other securities, with a particular designation of each class and the amount loaned on each.

11. The actual amount of money on hand or deposited in any other bank or place, with the name of the place where deposited and the amount in each place.

12. Any other property held, or any amount of money loaned, deposited, invested or placed, not otherwise herein enumerated, and the place where situate and the value of said property, and the amount so loaned, deposited or placed, and any other information he may request relative to the conduct and affairs of such bank.

The oaths of the officers and the statements above required shall state that they and each of them have a personal knowledge of the matters therein contained, and that they believe every allegation, statement, matter, and thing therein contained is true. Any willful false statement in the premises shall be perjury and shall be punished as such. Oaths required.

SEC. 131. The superintendent of banks shall call for reports specified by the previous section, at least three times each year, Call for reports.

and shall call for such reports as near as possible upon the same days as those designated by the comptroller of the currency of the United States for reports of national banking associations.

Publica-
tion of
statement.

SEC. 132. At the time of furnishing such report to the superintendent of banks, every bank shall also publish a condensed statement of its financial condition, at least once, in some newspaper of general circulation, published in the city or town where its principal place of business is located, and, if no paper is published in such town, then in some newspaper of general circulation in the county where its principal place of business is located. Such published statement shall show the total amount of loans, the total amount of overdrafts, the total amount invested in bonds and other securities, the total amount due from banks, the total amount of checks and other cash items, the total amount of cash on hand, capital paid in, surplus funds; undivided profits, less expenses and taxes paid; due to other banks and bankers, due to trust companies and savings banks; individual deposits subject to checks; demand certificates of deposit; time deposits; certified checks; cashier's checks outstanding; and such other items as will show the actual financial condition of the bank making the report.

Shall
show
what.

Impair-
ment of
capital.

SEC. 133. Whenever the superintendent of banks shall have reason to believe that the capital of any bank is reduced by impairment or otherwise below the amount required by law or by its articles of incorporation, he may require such bank to make good the deficiency within sixty days after the date of such requisition. He may examine or cause to be examined any such bank to ascertain the amount of such impairment or reduction of capital and whether the deficiency has been made good as required by him.

Conduct of
business
in unsafe
manner.

SEC. 134. If it shall appear to the superintendent of banks that any bank has violated its articles of incorporation, or any law binding upon it, he must, by an order under his hand and official seal, which seal must be adopted by him, addressed to such bank, direct the discontinuance of such violation; or, if it shall appear to the superintendent of banks that such bank is conducting business in an unsafe or injurious manner, he must in like manner direct the discontinuance of such unsafe or injurious practices. Such order shall require such bank to show cause, before the superintendent of banks, at a time and place to be fixed by him, why said order should not be observed. If upon such hearing it shall appear to the superintendent of banks that such bank is conducting business in an unsafe or injurious manner, or is violating its articles of incorporation, or any law of this state, then the superintendent of banks shall make such order of discontinuance final, and such bank shall immediately discontinue all practices named in such order by the superintendent of banks. Such bank shall have ten days after any such order is made final in which suit may be commenced to restrain enforcement of such order, and unless such action be so commenced and

Order to
show
cause.

enforcement of said order be enjoined within ten days, by the court in which such suit is brought, then such bank shall comply with such order; and, in the event of its failure so to do, then the superintendent of banks shall have power to take immediate charge and control of said bank, and liquidate its affairs in the manner provided in this act for the liquidation of banks.

SEC. 135. In any such action, no damage may be awarded, but the action otherwise shall be commenced, tried and determined according to the provisions of the Code of Civil Procedure of California.

Rule of action.

SEC. 136. Whenever the superintendent of banks shall have reason to conclude that any bank is in an unsound or unsafe condition to transact the business for which it is organized, or that it is unsafe or inexpedient for it to continue business, the superintendent of banks may forthwith take possession of the property and business of such bank, and retain such possession until such bank shall resume business, or its affairs be finally liquidated, as herein provided.

Superintendent may take possession, when.

On taking possession of the property and business of any such bank, the superintendent of banks shall forthwith give notice in writing of such fact to any and all corporations and individuals holding or in possession of any of the assets of such bank.

Notice to debtors.

No bank, corporation or individual, knowing of such taking possession by the superintendent of banks, or notified as aforesaid, shall have a lien or charge for any payment, advance or clearance thereafter made, or liability thereafter incurred against any of the assets of the bank of whose property and business the superintendent of banks shall have taken possession as aforesaid. Such bank may, with the consent of the superintendent of banks, resume business upon such conditions as may be approved by him.

Resumption of business.

Upon taking possession of the property and business of such bank, the superintendent of banks is authorized to collect moneys due to such bank, and to do such other acts as are necessary to conserve its assets and business, and shall proceed to liquidate the affairs thereof as hereinafter provided.

Liquidation.

The superintendent of banks shall collect all debts due and claims belonging to it, and upon the order of the superior court may sell or compound all bad or doubtful debts, and on like order may sell all real and personal property of such bank on such terms as the court shall direct; and may, if necessary to pay the debts of such bank, enforce individual liability of the stockholders by action to be brought within three years after the date of his taking possession of the affairs of such bank.

The superintendent of banks may, under his hand and official seal, appoint one or more special deputy superintendents of banks, as agent or agents, to assist him in the duty of liquidation and distribution, the certificate of appointment to be filed in the office of the superintendent of banks, and a certified copy in the office of the clerk of the county in which the principal office of such bank is located.

Special deputies.

The superintendent of banks may, from time to time, authorize a special deputy superintendent to perform such duties connected with such liquidations and distribution as the superintendent of banks may deem proper. The superintendent of banks may employ such counsel, and procure such expert assistance and advice as may be necessary in the liquidation and distribution of the assets of such bank, and may retain such officers or employees of such bank as he may deem necessary. The superintendent of banks shall require, from a special deputy superintendent and from such assistants, such security for the faithful discharge of their duties as he may deem proper.

Claims
against
bank in
liquida-
tion.

The superintendent of banks shall cause notice to be given by advertisement in such newspapers as he may direct, weekly, for three consecutive months, calling on all persons who may have claims against such bank, to present the same to the superintendent of banks, and make legal proof thereof, at a place and within a time not more than six months after the last day of publication, to be therein specified.

Doubtful
claims.

The superintendent of banks shall mail a copy of such notice to all persons whose names appear as creditors upon the books of the bank. If the superintendent of banks doubts the justice and validity of any claim, he may reject the same and serve notice of such rejection upon the claimant, either by mail or personally. An affidavit of the service of such notice shall be prima facie evidence thereof, and shall be filed with the superintendent of banks. An action upon a claim so rejected must be brought within six months after such service. Claims presented after the expiration of the time fixed in the notice to creditors shall be entitled to share ratably in the distribution to the extent of the assets in the hands of the superintendent of banks, equitably applicable thereto.

Inventory
of assets.

Upon taking possession of the property and assets of such bank, the superintendent of banks shall make an inventory of the assets of such bank in duplicate, one to be filed in the office of the superintendent of banks, and one in the office of the clerk of the county in which the principal office of such bank is located; upon the expiration of the time fixed for the presentation of claims, the superintendent of banks shall make in duplicate a full and complete list of the claims presented, including and specifying such claims as have been rejected by him, one to be filed in the office of the superintendent of banks, and one in the office of the clerk of the county in which the principal office of such bank is located; such inventory and list of claims shall be open at all reasonable times for inspection.

Expenses
of liquida-
tion.

The compensation of the special deputy superintendents, counsel, and other officers and assistants, and all expenses of supervision and liquidation, shall be fixed by the superintendent of banks on notice to such bank, and shall upon his certificate be paid out of the funds of such bank in his hands.

The sums collected by the superintendent of banks shall, from time to time, be deposited in one or more banks in this state, subject to examination by the superintendent of banks.

Deposit of funds.

At any time after the expiration of the date fixed for the presentation of claims, the superintendent of banks may, out of the funds remaining in his hands after the payment of expenses, declare one or more dividends, and after the expiration of one year from the date of first publication of notice to creditors he may declare a final dividend.

Dividends.

Objection to any claim not rejected by the superintendent of banks may be made by any party interested, by filing a copy of such objection with the superintendent of banks, who shall present the same to the superior court of the county in which such bank has its principal place of business, with a petition that said court pass upon the validity of such claims; and such court shall thereupon, upon such notice to the party presenting the same, and to the superintendent of banks, as the court may deem proper, accept or reject said claim, and the superintendent of banks shall observe the order of the court in that regard; *provided, however,* that should the claim be rejected, such rejection shall not conclude the claimant from bringing an action upon such claim within six months after such rejection.

Objection to claims.

Upon the petition of the superintendent of banks, such court may make proper provisions for unclaimed deposits.

Unclaimed deposits.

Whenever any such bank, of whose property and business the superintendent of banks has taken possession as aforesaid, deems itself aggrieved thereby, it may at any time within ten days after such taking possession, and not thereafter, apply to the superior court in the county in which the principal office of such bank is located, to enjoin further proceedings; and said court, after citing the superintendent of banks to show cause why further proceedings should not be enjoined, and upon hearing the allegations and proofs of the parties, and determining the facts, may, upon the merits, dismiss such application, or enjoin the superintendent of banks from further proceedings, and direct him to surrender such business and property to such bank.

Injunction against superintendent.

Either party aggrieved by the judgment rendered thereon may appeal therefrom to the supreme court, as in other cases of appeal thereto from the judgment of a superior court.

Right of appeal.

An appeal as above provided shall operate as a stay of the judgment of the superior court, and no bond need be given if the appeal be taken by the superintendent of banks; but if the appeal be taken by such bank, a bond shall be given, as required by section nine hundred and forty-three of the Code of Civil Procedure.

Undertaking.

Whenever the superintendent of banks shall have paid to each and every depositor and creditor of such corporation (not including stockholders) whose claim or claims as such creditor or depositor shall have been duly approved and allowed the full amount of such claim, and shall have made proper provisions for unclaimed and unpaid deposits or divi-

Delivery of residue to stockholders.

dends, and shall have paid all expenses of the liquidation, the superintendent of banks shall call a meeting of the stockholders of such corporation by giving notice thereof for thirty days, in one or more newspapers published in the county where the principal office of such corporation is located. At such meeting, the superintendent of banks shall appear and deliver to the stockholders all the property, effects and records of such bank, and upon such transfer and delivery he shall be discharged from any and all further liability to such bank and its creditors. And thereupon the bank shall be in the same position as though it had never been authorized to transact a banking business, and such bank, by fulfilling the requirements of this act, and of the superintendent of banks, can thereafter be authorized to resume the conduct of its business as a bank.

Dissolu-
tion of
bank.

SEC. 137. 1. Any bank shall have the right, on application of the stockholders or members to apply to the superior court of the county wherein its principal place of business is situated, to dissolve said bank in the manner provided for in title six, part three of the Code of Civil Procedure.

Escheat of
unclaimed
funds.

2. It is hereby made the duty of every person or corporation holding funds of any bank, at the end of five years from and after such bank has ceased to receive deposits, or do business, to pay the same into the state treasury, which money shall be held in the state school land fund; and at the same time it shall be the duty of such person or corporation to furnish to the state controller a list of the names of all depositors to whom said moneys belong or to whom said bank owes the same.

3. The money may be drawn out on the warrants of the state controller, issued on proofs of ownership, approved and allowed by the state board of examiners.

4. All moneys paid into the said fund, uncalled for within five years after being paid in, shall by operation of law, and without action had, escheat to the state, and thereafter only be drawn out in such manner as now provided for by law for the estates of deceased persons escheated to this state.

State
board of
examiners,
invest-
ment by.

5. The state board of examiners must invest such moneys in the same manner that the state school land fund is invested as provided by law. But any claimant shall be entitled to recover as herein provided only the principal so paid into the state treasury.

Reports,
failure to
make.

SEC. 138. If any bank shall fail to make the report required by law or by the superintendent of banks, within ten days from the day designated for the making thereof, or to include therein any matter required by law or by the superintendent of banks, every such delinquent bank shall forfeit to the people of the state the sum of one hundred dollars for each day that such report shall be delayed or withheld, and for every day it shall fail to report any such omitted matter. In the event of the failure of any such bank to make the report required from it by law, or by the superintendent of banks, he shall immediately cause the books, papers and affairs of such bank to be thoroughly examined.

SEC. 139. It shall be the duty of the board of directors of every bank to examine fully into the books, papers and affairs of the bank of which they are directors, and particularly into the loans and discounts thereof, with a special view to ascertaining the value and security thereof, and of the collateral security, if any given, in connection therewith, and into such other matters as the superintendent of banks may require; such examination to be made at least once a year, but no such subsequent yearly examinations shall be made within three months of the next preceding examination. Such directors shall have power to employ such assistance in making such examination as they may deem necessary. Within ten days after the completion of such examination, a report in writing thereof, sworn to by the directors making the same, shall be made by the board of directors of such bank, and placed on file with the records of said bank, and shall be subject to examination by the superintendent of banks.

Directors
of banks,
duties of.

Such report shall particularly contain a statement of the assets and liabilities of the bank examined, as shown by its books, together with any deductions from the assets, or additions to liabilities, which such directors or committee, after such examination, may determine to make. It shall also contain a statement, in detail, of loans, if any, which in their opinion are worthless or doubtful, together with their reasons for so regarding them; also a statement of loans made on collateral security, which in their opinion are insufficiently secured, giving in each case the amount of the loan, the name and market value of the collateral, if it has any market value, and, if not, a statement of that fact, and its actual value as nearly as possible. Such report shall also contain a statement of overdrafts, of the names and amounts of such as they consider worthless or doubtful, and a full statement of such other matters as affect the solvency and soundness of the bank. If the directors of such bank shall fail to make, or cause to be made, and file such report of examination in the manner and within the time specified, the directors of such bank shall be guilty of a misdemeanor.

Report of
directors
to contain,
what.

SEC. 140. The superintendent of banks shall report during the month of October of each year, to the governor, for submission to the next ensuing session of the legislature:

Report of
superin-
tendent to
governor.

1. A summary of the state and condition of every bank required to report to him, and from which reports have been received the preceding year, with an abstract of the whole amount of capital returned by them, the whole amount of their debts and liabilities, and the total amount of means and resources, specifying the amount of specie held by them at the time of the last report to him, and such other information in relation to such banks as, in his judgment, may be useful.

2. A statement of all banks authorized by him to do business during the previous year, with their names and locations and dates of incorporation, and particularly designating such as have commenced business during the year.

3. A statement of the banks whose business has been closed during the year.

4. Any amendments to the banking law, which, in his judgment, may be desirable.

5. The names and compensation of all persons employed by him, and the whole amount of the receipts and expenses of the department during the year.

6. The names of banks placed in his hands in process of liquidation, and the amount of dividends paid thereon.

Such report, and the usual number of copies for the use of the legislature, shall be printed and in readiness for distribution by the state printer, and one thousand copies shall be printed for the use of the department, the expense of which shall be charged among the general expenses of the department.

SEC. 141. 1. The superintendent of banks shall keep in his office, in a place accessible to the general public, a bulletin board upon which he shall cause to be posted at noon on Friday of each week a detailed statement, signed by him or, in case of his absence from San Francisco or inability to act, by the deputy superintendent in charge, giving the following items of general information with regard to the work of the department since the preceding statement:

(a) The name of every bank that has filed in the banking department an application for authorization to commence business, its location and the date of filing of such application.

(b) The name and location of every bank authorized by the superintendent of banks to commence business, its capital, surplus, and the date of authorization.

(c) The name of every bank to which a certificate of authorization has been refused by the superintendent of banks, and the date of notice of refusal.

(d) The name and residence of every person appointed by the superintendent of banks as a deputy, examiner or employee in the banking department, the title of the office to which appointed, the compensation paid, and the date of appointment.

(e) The date on which a call for a report by banks was issued by the superintendent of banks, and the day designated as the day with reference to which such report should be made.

(f) The name and location of every bank whose creditors or depositors have been paid in full by the superintendent of banks and a meeting of whose stockholders shall have been called, together with date of notice of meeting and date of meeting.

(g) The name and location of every bank subject to the banking law whose affairs and business shall have been finally liquidated, or in course of liquidation.

(h) The name and location of every bank which has applied for approval of a change of name, and the name proposed.

2. Every such bulletin, after having been posted as aforesaid for one week, shall be placed on a file for such statements, to be kept in the office of the superintendent of banks. All such statements shall be public documents, and at all reason-

State
printer,
duty of.

Weekly
bulletin to
be posted
by super-
intendent:
items of.

Bulletins,
file of.

able times shall be open to public inspection during usual banking hours.

SEC. 142. Every official report made by the superintendent and every report duly verified of an examination made, shall be prima facie evidence of the facts therein stated, for all purposes in any action or proceeding wherein such bank is a party.

Official reports. prima facie evidence.

SEC. 143. If the superintendent of banks shall have knowledge of the insolvency or unsafe condition of any bank mentioned in this act, and that it is unsafe or inexpedient to permit said bank to continue business, and shall neglect to forthwith take action as provided in sections one hundred thirty-three, one hundred thirty-four, and one hundred thirty-six of this act, he shall be guilty of a felony.

Neglect of duty by superintendent.

SEC. 144. Whenever by the terms of this act a penalty or forfeiture is imposed, the same shall be recovered in an action brought at the request of the superintendent of banks by the attorney general, in the name of the people of the state, and the sum recovered shall be paid into the state banking fund and used in payment of claims against the said fund.

Action, duty of attorney general.

SEC. 145. The powers, privileges, duties and restrictions conferred and imposed upon any corporation or individual existing and doing business under the laws of this state are hereby abridged, enlarged or modified as each particular case may require, to conform to the provisions of this act, notwithstanding anything to the contrary in their respective articles of incorporation or charters. The legality of investments heretofore made, or of transactions heretofore had, pursuant to any provisions of law in force when such investments were made or transactions had, shall not be affected by the provisions of this act, nor shall such provisions require the changing of investments for those named in this act, except as the same can be done gradually by the sale or redemption of the securities so invested in, in such manner as to prevent loss or embarrassment in the business of such bank, or unnecessary loss or injury to the borrowers on such security.

Construction of act.

SEC. 146. All acts, or parts of acts, in conflict with this act are hereby repealed.

SEC. 147. This act shall take effect July first, 1909.

CHAPTER 77.

An act to amend an act entitled, "An act to establish a Political Code," approved March 12, 1873, by amending section 3788 thereof, as amended March 28, 1895, said section being a part of chapter VII, title IX, part III of the Political Code of the State of California, said title IX relating to revenue, said chapter VII relating to the collection of property taxes and said section hereby amended relating to the re-sale of state lands upon which taxes have accrued, but which have not been paid, and repealing section 15 of an act entitled, "An act to amend section thirty-seven hundred and sixty-five, section thirty-seven hundred and seventy-three, section thirty-seven hundred and seventy-eight, section thirty-seven hundred and eighty, section thirty-seven hundred and eighty-one, section thirty-seven hundred and eighty-five, section thirty-seven hundred and eighty-eight, section thirty-eight hundred and thirteen, section thirty-eight hundred and sixteen and section thirty-eight hundred and seventeen; and to repeal section thirty-seven hundred and seventy-four, section thirty-seven hundred and seventy-five, section thirty-seven hundred and seventy-six, section thirty-seven hundred and seventy-seven, section thirty-seven hundred and seventy-nine, section thirty-seven hundred and eighty-two, section thirty-seven hundred and eighty-three, section thirty-seven hundred and eighty-four and section thirty-eight hundred and eighteen of an act of the legislature of the State of California entitled 'An act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and re-sale of such property; and to add a new section thereto, to be known and designated as section thirty-eight hundred and one, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of state lands.

[Approved March 2, 1909.]

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

SECTION 1. Section 3788 of the Political Code of the State of California, as amended March 28, 1895, is hereby amended so as to read as follows:

State lands sold for taxes: how may be entered.

3788. When state lands, upon which the full purchase price has not been paid have been sold to the state for delinquent taxes, and the deed therefor to the state provided for in section thirty-seven hundred and eighty-five of this code, has been forwarded to and filed with the surveyor general, the said lands shall again become subject to entry and sale, in the same manner, and subject to the same conditions, as apply to other state lands of like character, except that the former possessors or owners of the land thus deeded to the state, their heirs or assigns, shall be preferred purchasers thereof for the period

Preferred purchasers.

of six months after the deeds are filed with the surveyor general, as prescribed in this section; during which said period of six months no application by any person other than said former possessors, or owners, their heirs or assigns, shall be filed; and, *provided further*, that the former possessors or owners of said land thus deceded to the state, their heirs or assigns, shall have the right to be restored to their former estate and title (at any time either during the said period of six months above referred to, or afterwards, and before application for said land is made and filed with the surveyor general by any other person) upon paying to the county treasurer of the county wherein the said land is situated a sum equivalent to the taxes, penalties, costs and accruing costs by virtue whereof the state became a purchaser of the said lands, and also, all delinquent taxes, penalties, and costs which may have accrued upon such lands subsequent to the date of the certificate of purchase under which the former possessors or owners, or their heirs and assigns claim title to said lands and also all unpaid interest up to the first day of January, as hereinafter provided, which said money so paid into the treasury shall be distributed in the manner prescribed in section thirty-eight hundred and sixteen; *provided*, that the money received for twenty per cent of the purchase money and accruing interest, together with the principal, in case of full payment on the lands, shall be distributed by the surveyor general, in the manner now provided by law for such distribution. If such former owner or possessor his heirs or assigns desires to avail himself of the privileges hereof, he shall file with the surveyor general the receipt of the county treasurer, showing the payment of all such taxes, together with all unpaid interest up to the first day of January following the date when he shall make the said payment to the said county treasurer and thereupon the surveyor general shall give to such person a certificate signed and sealed by him, but which need not be acknowledged, showing full payment of all such sums, which said receipt of the surveyor general shall be recorded by said persons in the county recorder's office of the county wherein the said lands are situated, and the said receipt, when so recorded shall have the same effect as a deed of reconveyance of the interest conveyed by such deed, and the said former owner or possessor, his heirs or assigns, shall thereby be restored to all his rights in the said lands, and his certificate of purchase shall be in full force and effect as effectually as though no sale had been made; but the surveyor general shall not receive or file any application or make a sale of any lands thus deceded to the state, except upon the previous payment into the state treasury, as other moneys are required to be paid therein, in addition to the price of said lands as compared with the price fixed for other state lands of like character, by the person or persons proposing to file the application and make the purchase, of a sum equal to the delinquent taxes, penalties, costs and accruing costs, by virtue whereof

Payments
required.

Distrib-
ution of
moneys.

Certificate
of
payment.

Surveyor
general's
authority
for filing
applica-
tion.

the state became a purchaser of the lands thus sought to be entered or purchased, and also all delinquent taxes, penalties and costs which may have accrued upon such lands prior to and subsequent to the date of the sale to the state in pursuance of which the state received a deed therefor, and the surveyor general's authority for filing said application, if said lands are otherwise subject to sale, shall be the production by said applicant of the county treasurer's receipt showing full payment of the delinquent taxes, penalties and costs as herein specified. The money thus paid into the treasury shall be distributed in the manner prescribed in section thirty-eight hundred and sixteen; *provided*, that the moneys received for twenty per cent of the purchase money and accruing interest, together with the principal, in case of full payment on the lands, shall be distributed by the surveyor general, in the manner now provided by law for such distribution.

Repeal of
certain
sections.

SEC. 2. Section 15 of an act entitled, "An act to amend section thirty-seven hundred and sixty-five, section thirty-seven hundred and seventy-three, section thirty-seven hundred and seventy-eight, section thirty-seven hundred and eighty, section thirty-seven hundred and eighty-one, section thirty-seven hundred and eighty-five, section thirty-seven hundred and eighty-eight, section thirty-eight hundred and thirteen, section thirty-eight hundred and sixteen and section thirty-eight hundred and seventeen; and to repeal section thirty-seven hundred and seventy-four, section thirty-seven hundred and seventy-five, section thirty-seven hundred and seventy-six, section thirty-seven hundred and seventy-seven, section thirty-seven hundred and seventy-nine, section thirty-seven hundred and eighty-two, section thirty-seven hundred and eighty-three, section thirty-seven hundred and eighty-four and section thirty-eight hundred and eighteen of an act of the legislature of the State of California entitled 'An act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and re-sale of such property; and to add a new section thereto, to be known and designated as section thirty-eight hundred and one, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, is hereby repealed.

CHAPTER 78.

An act to amend an act entitled "An act to provide for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting acts," approved March 22, 1905. Statutes of 1905 page 777 thereof.

[Approved March 3, 1909.]

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

SECTION 1. Section 2 of an act of the legislature of the State of California entitled "An act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting acts," is hereby amended to read as follows:

Section 2. An applicant for any franchise or privilege above mentioned shall file with the governing or legislative body of the county or municipality an application, and thereupon said governing body shall, in its discretion, advertise the fact of said application, together with a statement that it is proposed to grant the same, in one or more newspapers of the county, city and county, city or town wherein the said franchise or privilege is to be exercised. Said advertisement must state that bids will be received for such franchise, and that it will be awarded to the highest bidder, and the same must be published in such newspaper once a day for ten successive days, or as often during said period as said paper is published, if it be a daily newspaper, and if there be no daily newspaper published in such county, city and county, city or town, then it shall be published in a weekly newspaper once a week for four successive weeks, and in either case the full publication must be completed not less than twenty nor more than thirty days before any further action can be taken thereon.

Franchise,
advertisement
of
appli-
cation for.

CHAPTER 79.

An act to amend section 1876 of the Political Code of the State of California, referring to contracts by school trustees.

[Approved March 3, 1909.]

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

SECTION 1. Section 1876 of the Political Code of the State of California is hereby amended to read as follows:

Trustee
may
receive
com-
pensation.
when.

1876. No school trustee or member of any board of education must be interested in any contract made by the board of which he is a member: and any contract made in violation of this provision is void; *provided* that in school districts having fewer than forty census children, a member of the board of trustees may receive a reasonable compensation from the district for necessary work and labor performed by him for the district in repairing the schoolhouse, fences and other property belonging to the district or in furnishing wood or other necessary supplies, but in all such cases the requisition drawn in his favor in payment of services or supplies must be signed by the other two trustees before it shall be subject to approval by the superintendent of schools.

CHAPTER 80.

An act to amend section 4041 of the Political Code, relating to the general permanent powers of boards of supervisors.

[Approved March 3, 1909.]

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

SECTION 1. Section 4041 of the Political Code of the State of California is hereby amended to read as follows:

General
powers.

4041. The boards of supervisors, in their respective counties, shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law:

Officials,
super-
vision of
conduct of.

1. To supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county charged with the assessing, collecting, safe-keeping, management, or disbursement of the public revenues; to see that they faithfully perform their duties, direct prosecutions for delinquencies, and, when necessary, require them to renew their official bonds, make reports and present their books and accounts for inspection.

2. To divide the counties into townships, election, school, road, supervisor, sanitary, and other districts required by law, change the same, and create others, as convenience requires. Districts.

3. To establish, abolish, and change election precincts, and to appoint inspectors, clerks and judges of election, canvass all election returns, declare the result, and order the county clerk to issue certificates thereof; but no election precinct shall be established or abolished, or the boundaries of any precinct changed, within ninety days prior to any election. Elections.

4. To lay out, maintain, control, construct, repair, and manage public roads, turnpikes, ferries, wharves, chutes, and other shipping facilities and bridges within the county, unless otherwise provided by law, and to grant franchises and licenses to collect tolls thereon; *provided*, where the cost of the construction of any bridge, wharf, chute, or other shipping facilities that may be built under the provisions of this subdivision exceeds the sum of five hundred dollars, they must cause to be prepared and must adopt plans and specifications, strain sheets, and working details, and must advertise for bids for the construction of such bridge, wharves, chutes, or other shipping facilities, unless otherwise provided by law, in accordance with the plans and specifications so adopted. All bidders shall be afforded opportunity to examine such plans and specifications, and said board shall award the contract to the lowest responsible bidder, and the plans and specifications so adopted shall be attached to and become a part of the contract; and the person or corporation to whom the contract is awarded shall be required to execute a bond, to be approved by said board, for the faithful performance of such contract; *provided*, that after the submission of the bids as herein provided, the board of supervisors being advised by the county surveyor that the work can be done for a sum less than the lowest responsible bid, it shall then be their privilege to reject all bids and to order the work done or structure built by day's work, under the supervision and control of said surveyor; *provided further*, that the surveyor in such cases shall be held personally responsible under his official bond, to construct such bridge or structure, according to his plans and specifications, at a cost not to exceed the amount of the lowest responsible bid received; *provided*, that the road commissioners or road overseers in their respective districts shall employ all labor required and direct the conduct of work of any kind upon any and all public roads; *provided further*, that in cases of great emergency, by the unanimous consent of the whole board, they may proceed at once to replace or repair any and all bridges and structures without notice. Roads and bridges.

5. To construct or lease, officer and maintain, hospitals and almshouses, or otherwise, in their discretion, provide for the care and maintenance of the indigent sick or dependent poor of the county; and for such purposes to levy the necessary property or poll taxes, or both. The board of supervisors shall appoint some suitable person to take care of and maintain such hospitals and almshouses, and shall also appoint some suitable Hospitals.

graduate or graduates in medicine to attend to such indigent sick or dependent poor, and to the patients in such hospitals and almshouses. The board shall not let the care, maintenance, or attendance of such indigent sick or dependent poor by contract to the lowest bidder.

County farm.

6. To provide a farm, in connection with the county hospital, or almshouse, and make regulations for working the same.

Purchase of property.

7. To purchase, receive by donation, lease, or otherwise acquire real or personal property or water rights necessary for the use of the county; to purchase, receive by donation, or otherwise acquire real property for public pleasure grounds, or public parks, and to improve, preserve, take care of, manage and control the same: to purchase, receive by donation, lease, or otherwise acquire real property upon which to sink wells to obtain water for sprinkling roads and other county purposes, and to erect thereon tanks and reservoirs for the storage of water for such purposes, and to erect pumping apparatus for obtaining the same, to preserve, take care of, and manage and control the same; but no purchase of real property shall be made unless a notice of the intention of the board to make such purchase, describing the property to be purchased, the price to be paid therefor, from whom it is proposed to be purchased, and fixing the time when the board will meet to consummate such purchase, has been published for at least three weeks in some newspaper of general circulation, published in the county; or if none be published in the county, then has been posted at least three weeks prior to the time when the board meets to consummate such purchase, in at least three public places in each supervisor district.

Public buildings.

8. To cause to be erected, or rebuilt, or furnished, a courthouse, jail, hospital, historical museum, art gallery, and such other public buildings as may be necessary, or to provide suitable buildings for such purposes. None of the aforesaid buildings shall be erected or constructed until the plans and specifications have been made therefor and adopted by the board. All such buildings must be erected by contract, let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation published in such county, for at least thirty days. In case there is no newspaper published in such county, then such notice shall be given by posting in three public places.

Sale of property not required for public use.

9. To sell at public auction, at the courthouse door, or at such other place within the county as the board may, by a four-fifths vote, order, after thirty days' notice, given either by publication in a newspaper published in the county or by posting in five public places in the county, and convey to the highest bidder for cash, any property belonging to the county not required for public use, paying the proceeds into the county treasury for the use of the county; *provided*, if in the unanimous judgment of the board, the property does not exceed in value the sum of seventy-five dollars, or if it be the product of the county farm, the same may be sold at private

sale, without advertising, by any member of the board empowered for that purpose by a majority of the board.

10. To examine and audit, at least every twelve months, the accounts of all officers having the care, management, collection, or disbursement of moneys belonging to the county, or moneys received or disbursed by them under authority of law.

Auditing
accounts.

11. To examine, settle, and allow all accounts legally chargeable against the county, except salaries of officers, and such demands as are authorized by law to be allowed by some other person or tribunal, and order warrants to be drawn on the county treasurer therefor.

Demands
against
county.

12. To levy taxes upon the taxable property of their respective counties for all county purposes, and also upon the taxable property of any district, for the construction and repair of roads and highways and other district purposes; *provided*, that no tax shall be levied upon any district until the proposition to levy the same has been submitted to the qualified electors of such district and received a majority of all the legal votes cast upon such proposition.

Levy of
taxes.

13. To acquire and take by purchase, condemnation, or otherwise, land for the uses and purposes of public boulevards; to lay out, establish and improve public boulevards, and to incur a bonded indebtedness for any of such purposes; *provided*, that no such indebtedness shall be incurred for any of such purposes until after the question of the issue of bonds therefor shall have been submitted to the qualified electors of the county, at a special election called for that purpose and two thirds of the electors of the county voting at such election shall have voted in favor of issuing such bonds; said election to be called and held, and said bonds, if authorized, to be issued, sold and made payable in the manner and form prescribed by section four thousand and eighty-eight. Said boards shall also have power to maintain public boulevards, established and laid out under the provisions of this title, and to make and enforce rules and regulations for the protection, management, control and use of such boulevards.

Public
boule-
vards.

14. To maintain, regulate, and govern public pounds, fix the limits within which animals shall not run at large, and appoint poundkeepers, who shall be paid out of the fines imposed and collected from the owners of impounded animals, and from no other source.

Public
pounds.

15. To equalize assessments.

Equalize
assess-
ments.

16. To direct and control the prosecution and defense of all suits in which the county is a party, and, by a two-thirds vote of all the members, may employ counsel to assist the district attorney in conducting the same.

Prosecute
suits at
law.

17. To insure the county buildings and other property in the name of and for the benefit of the county.

Insurance.

18. To establish a salary fund, and such other county funds as they may deem necessary for the proper transaction of the business of the county, and to transfer moneys from one fund to another, as the public interest may require.

Establish
funds.

Vacancies
in office.

19. To fill, by appointment, all vacancies that may occur in any office filled by the appointment of the board of supervisors and elective county or township officers, except in those of judge of the superior court and supervisor, the appointee to hold office for the unexpired term or until the next general election.

Copy
county
records.

19a. To employ the copyists necessary to reproduce any of the county records that may be in danger of destruction by age, obliteration, or constant use in any of the county offices.

Purchas-
ing agent.

19b. To employ a purchasing agent whose duties shall be to purchase for the county and the offices thereof, all stationery, clothing, bedding, groceries, provisions, drugs, medicines and all other supplies, the same to be purchased only upon a proper requisition therefor. Also to employ for said purchasing agent such assistants as may be necessary for him to properly fulfill his duties.

Rules of
board.

20. To make and enforce such rules and regulations for the government of their body, the preservation of order, and the transaction of business, as may be necessary.

Seal.

21. To adopt a seal for the board, a description and impression of which must be filed in the office of the county clerk and of the secretary of state.

Licenses.

22. To license, in the exercise of their police powers, and for the purpose of regulation, as herein provided, and not otherwise, all and every kind of business not prohibited by law, and transacted and carried on within the limits of their respective jurisdictions, and all shows, exhibitions, and lawful games carried on therein, to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise; *provided*, that every honorably discharged soldier, sailor, or marine of the United States, who is unable to obtain a livelihood by manual labor, shall have the right to hawk, peddle and vend any goods, wares or merchandise, except spirituous, malt, vinous or other intoxicating liquor, without payment of any license, tax or fee whatsoever, whether municipal, county or state, and the board of supervisors or legislative body shall issue to such soldier, sailor or marine, without cost, a license therefor; *provided, however*, no license can be collected, or any penalty for the non-payment thereof enforced against any commercial traveler whose business is limited to the goods, wares, and merchandise sold or dealt in in this state at wholesale.

Gophers,
etc.

23. To provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects injurious to fruit or fruit trees, or vines, or vegetable or plant life.

Dogs,
tax on.

24. To provide for the prevention of injuries to sheep by dogs, and to tax dogs and to direct the application of the tax.

Fish and
game.

25. To provide by ordinances not in conflict with the general laws of the state, for the protection of fish and game, and may shorten the season for the taking or killing of fish and game, within the dates fixed by the general state laws, but shall not lengthen the same.

26. To provide for the working of prisoners confined in the county jail, under judgment of conviction of misdemeanor, under the direction of some responsible person, to be appointed by the sheriff, whose compensation shall not exceed one hundred dollars per month, upon the public grounds, roads, streets, alleys, highways, or public buildings, or in such other places as may be deemed advisable, for the benefit of the county. Prisoners, working of.
27. To provide for the burying of the indigent dead. Indigent dead.
28. To make and enforce, within the limits of their county, all such local police, sanitary, and other regulations as are not in conflict with general laws. Police regulations.
29. To adopt such rules and regulations, within their respective counties, with regard to keeping and storing of every description of gunpowder, Hercules powder, giant powder, or other explosive or combustible material, as the safety and protection of the lives and property of individuals may require. Powder, storing of.
30. To appropriate from the general fund of the county, unless otherwise in this title provided, not to exceed, in counties of the first and second class, the sum of three thousand dollars, and in all other counties the sum of two thousand dollars in any one year, to aid in or carry on the work of inducing immigration thereto, or for the purpose of exhibiting or advertising the agricultural, mineral, manufacturing, or other resources of the county. Immigration, inducing.
31. To enforce, by ordinance, within the limits of their counties, all such regulations concerning the size of wagons and vehicles of all kinds to be used on the roads or highways, and the width of tires on the same, as are not in conflict with general laws. Tires, width of.
32. To grant licenses and franchises for constructing, keeping and taking tolls on roads, bridges, ferries, wharves, chutes, booms, and piers, and to grant franchises along and over the public roads and highways for all lawful purposes, upon such terms and conditions and restrictions as in their judgment may be necessary and proper, and in such manner as to present the least possible obstruction and inconvenience to the traveling public. Franchises over public roads.
33. To grant, on such terms, conditions, and restrictions as in their judgment may be necessary and proper, licenses and franchises for taking tolls on public roads or highways, whenever in their judgment the expense necessary to operate or maintain such public roads or highways as free public highways is too great to justify the county in so operating or maintaining them. It shall always be a condition attached to the granting of such licenses and franchises, that such roads or highways shall be kept in reasonable repair by the person or persons to whom such licenses or franchises may be granted. Tolls on public roads.
34. To enact ordinances and regulations for the construction, alteration, repair, and control of all public roads and highways in the county, unless otherwise provided by law. Roads, control of.
35. To levy a special road fund tax, not to exceed two (2) mills on the one dollar of assessed valuation, on all the property Special road tax.

in such counties, outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be expended for the construction and maintenance of the main public roads or county highways in the several road districts, in proportion to the amount collected from such districts.

Special
sanitary
tax.

36. To levy a special sanitary tax, not to exceed one half ($\frac{1}{2}$) mill on the one dollar of assessed valuation, on all the property in such counties, outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the funds so created shall be used to prevent the introduction of dangerous, infectious or communicable diseases and to eradicate them if introduced, and for the purpose of general sanitation.

Trees on
highways.

37. To encourage, under such regulations as they may adopt, the planting and preservation of shade and ornamental trees on the public roads and highways, and on and about the public grounds and buildings of the county, and pay to persons planting and cultivating the same, for every living tree thus planted, at the age of four years, a sum not exceeding one dollar.

Injury to
river
banks.

38. To provide by ordinance for the organization and government of districts, to protect and preserve the banks of rivers and streams and lands lying contiguous thereto from injury by overflow or the washing thereof, and to provide for the improvements of said rivers and streams, and prevent the obstruction thereof, and to provide for the assessment, levy, and collection within such districts of a tax therefor.

Forest
fires.

39. To appropriate a sum not exceeding two cents per one hundred dollars of the assessed valuation of their county in any one year, in addition to any sum which may be chargeable to the county for the repayment of money expended by the state for protection against fire in such county, for the purpose of protecting forest, brush and grass lands therein, against fire or other injury, and of aiding the state and federal authorities in forestry work.

General
summary.

40. To do and perform all other acts and things required by law not in this title enumerated, or which may be necessary, to the full discharge of the duties of the legislative authority of the county government.

CHAPTER 81.

An act to amend section four thousand two hundred twenty-five of the Political Code, relating to the appointment, powers, duties and compensation of health officers in counties and unincorporated towns.

[Approved March 3, 1900.]

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

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

4225. They shall appoint in each county, a health officer, who shall be deemed an employee and not a county officer, and whose duty it shall be to enforce and observe all orders and ordinances of the board of supervisors, pertaining to health and sanitary matters, all orders, quarantine regulations, and rules prescribed by the state board of health, and all statutes relating to the public health and to vital statistics. He shall give to the duties of his office such time and attention as may be necessary to secure general supervision of all matters pertaining to the health and sanitary condition of the county, and when so required by the board of supervisors he shall give all of his time to such duties. He shall be a graduate of a medical college of good standing and repute, shall hold office for a term of one year, and shall receive for his services such sum as may be determined by the board of supervisors.

Health officer, duties.

Qualifications.

Immediately after the appointment of such health officer they shall notify the secretary of the state board of health of such appointment and the name and address of such appointee.

The board of supervisors shall adopt orders and ordinances necessary for the preservation of the public health of the county, not in conflict with general laws, and provide for the payment of all expense incurred in enforcing the same.

Duty of supervisors.

For any unincorporated town, when public necessity requires such action, the board of supervisors may appoint a special health officer, who shall, in such town, under the supervision of the county health officer, exercise all necessary diligence in executing the ordinances, rules, and regulations of the board of supervisors, or the state board of health, relating to health and sanitary matters. His term of office and compensation shall be fixed by the board of supervisors, and he shall receive as his compensation for services, unless in this title otherwise provided, not to exceed one hundred dollars in any one year.

Special health officer.

Compensation.

CHAPTER 82.

An act to establish a bird and arbor day.

[Approved March 3, 1909.]

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

Bird and
arbor day.

SECTION 1. March 7th of each year, being the anniversary of the birthday of Luther Burbank, is hereby set apart and designated bird and arbor day. All public schools and educational institutions are directed to observe bird and arbor day, not as a holiday, but by including in the school work of the day suitable exercises having for their object instruction as to the economic value of birds and trees, and the promotion of a spirit of protection toward them.

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

CHAPTER 83.

An act appropriating money to pay the claim of M. L. Ward against the State of California.

[Approved March 3, 1909.]

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

Appropriation.

Claim of
M. L.
Ward.

SECTION 1. The sum of two thousand five hundred dollars is hereby appropriated out of any other moneys in the state treasury not otherwise appropriated to pay the claim of M. L. Ward against the State of California and the state controller is hereby directed to draw his warrant in favor of M. L. Ward for said sum of two thousand five hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 2. This act shall take effect immediately.

CHAPTER 84.

An act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

[Approved March 3, 1909.]

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

SECTION 1. The sum of two thousand five hundred dollars is hereby appropriated out of any other money in the state treasury not otherwise appropriated to pay the claim of H. S. G. McCartney against the State of California, and the state controller is hereby directed to draw his warrant in favor of H. S. G. McCartney for said sum of two thousand five hundred dollars, and the state treasurer is hereby directed to pay the same.

Appropriation.

Claim of H. S. G. McCartney.

SEC. 2. This act shall take effect immediately.

CHAPTER 85.

An act making an appropriation to pay the claim of F. W. Leavitt against the State of California.

[Approved March 3, 1909.]

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

SECTION 1. The sum of nine thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of F. W. Leavitt against the State of California, and the state controller is hereby directed to draw his warrant in favor of F. W. Leavitt for said sum and the state treasurer is directed to pay the same.

Appropriation.

Claim of F. W. Leavitt.

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

CHAPTER 86.

An act appropriating money to pay the claim of E. F. Treadwell against the State of California.

[Approved March 3, 1909.]

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

Appropriation.
Claim of
E. F.
Treadwell.

SECTION 1. The sum of two thousand five hundred dollars is hereby appropriated out of any other money in the state treasury not otherwise appropriated to pay the claim of E. F. Treadwell against the State of California, and the state controller is hereby directed to draw his warrant in favor of E. F. Treadwell for said sum of two thousand five hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 2. This act shall take effect immediately.

CHAPTER 87.

An act appropriating money to pay the claim of Leroy A. Wright against the State of California.

[Approved March 3, 1909.]

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

Appropriation.
Claim of
Leroy A.
Wright.

SECTION 1. The sum of six thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Leroy A. Wright against the State of California; the state controller is hereby directed to draw his warrant in favor of Leroy A. Wright for said sum of six thousand dollars, and the state treasurer is hereby directed to pay the same.

SEC. 2. This act shall take effect immediately.

CHAPTER 88.

An act appropriating money to pay the claim of J. B. Curtin against the State of California.

[Approved March 3, 1909.]

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

SECTION 1. The sum of two thousand five hundred dollars is hereby appropriated out of any other money in the state treasury not otherwise appropriated to pay the claim of J. B. Curtin against the State of California, and the state controller is hereby directed to draw his warrant in favor of J. B. Curtin for said sum of two thousand five hundred dollars, and the state treasurer is hereby directed to pay the same.

Appropriation.
Claim of
J. B.
Curtin.

SEC. 2. This act shall take effect immediately.

CHAPTER 89.

An act to amend section 8 of an act entitled, "An act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903; approved March 18, 1905.

[Approved March 3, 1909.]

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

SECTION 1. Section 8 of an act entitled, "An act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903, approved March 18, 1905, is hereby amended to read as follows:

Section 8. Any employment agent or other person violating or omitting to comply with any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding five hundred (500) dollars, or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment in the discretion of the court. All fines imposed and collected under the provisions of this act shall be paid into the state treasury and credited to the contingent fund of the bureau of labor statistics.

Penalty.

Dis-
position of
fines.

CHAPTER 90.

An act authorizing municipal corporations, other than freeholder charter cities, to change their names, and providing the procedure therefor.

[Approved March 3, 1909.]

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

City.
change of
name, how
accom-
plished.

SECTION 1. The name of any city or municipal corporation within this state, except a freeholder charter city, may be changed upon proceedings taken as in this act provided. The council board of trustees or other legislative body of such corporation, shall, upon receiving a petition asking that the name of the city be changed, and stating the name to which it is proposed to change it, signed by not less than fifty per cent of the qualified electors thereof, as shown by the vote cast at the last municipal election held therein, submit to the electors of such corporation the question whether the name shall be changed as proposed in such petition. Such questions shall be submitted at a special election to be held for that purpose, and such legislative body shall give notice thereof by publication at least once a week for a period of four weeks, prior to such election, in a newspaper printed and published in such corporation.

Statement
of election,
where
filed.

Such notice shall distinctly state the proposed name, and the electors shall be invited thereby to vote for or against such proposed change of name. If upon canvassing the votes cast at such election it is found that two thirds of the total number of votes so cast are in favor of the proposed change of name, the board of trustees shall file a statement of the holding of such election and the result thereof, with the secretary of state, and also the board of supervisors of the county in which the city or municipal corporation is situated, and from thenceforth and thereon the name shall be changed to that proposed at the said election.

SEC. 2. If upon canvassing the votes cast at such election it is found that two thirds of the total number of votes so cast are not in favor of such change of name, no further proceedings shall be had for a term of ten years thereafter.

SEC. 3. In all other respects not recited herein, the election herein mentioned, shall be held as provided by law for holding municipal elections in such municipality.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER 91.

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, by adding thereto a new section to be numbered 10 1-2.

[Approved March 3, 1909.]

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

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

Section 10 $\frac{1}{2}$. In the petition mentioned in section 2 of this act it shall not be necessary to include in the schedule of indebtedness any bond, coupon, warrant or other indebtedness, claim or demand which shall have been barred by the laws of this state prior to the filing of said petition with the board of directors of said irrigation district, nor shall it be necessary in winding up the affairs of any district organized under the laws of this state to pay all or any portion of a debt or obligation of such district, for the enforcement of which debt or obligation a suit is barred by the laws of this state.

Indebted-
ness,
schedule
of.

CHAPTER 92.

An act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town.

[Approved March 3, 1909.]

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

SECTION 1. Any county, city and county or incorporated city or town, which now has or hereafter shall have any moneys in any sinking fund established for the purpose of providing for the payment of the principal or interest of any bonded or other indebtedness, or for any other purpose, is hereby authorized to invest any such moneys temporarily in any bonds already issued or hereafter issued of such county, city and county or incorporated city or town, respectively, or in

Sinking
funds,
temporary
invest-
ment of.

bonds already issued or hereafter issued of any school district situated, in whole or in part, within the limits of such county, city and county or incorporated city or town, or in bonds already issued or hereafter issued of the State of California or of the United States, and such investment may be made by direct purchase of any issue of bonds, or part thereof, at the original sale of such bonds, or by the purchase of such bonds after they have been thus issued. Any bonds thus purchased and held in any such sinking fund may, from time to time, be sold and the proceeds temporarily reinvested in bonds as above provided. Sales of any bonds thus purchased and held in a sinking fund shall, from time to time, be made in season so that the proceeds may be applied to the purposes for which the sinking fund was created.

SEC. 2. The functions and duties in this act authorized shall be performed by the legislative or governing body of the county, city and county or incorporated city or town, or under its authority.

SEC. 3. This act shall take effect immediately.

CHAPTER 93.

An act to prohibit within certain limits the mooring and anchoring of house-boats in rivers and streams, and the maintaining of privies, vaults, cesspools, sewer pipes and conduits on the banks of rivers and streams, and providing for punishment for violation thereof, declaring such acts to be public nuisances, and providing for the abatement of such nuisances.

[Approved March 6, 1909.]

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

House-boats,
mooring
of.

SECTION 1. It shall be unlawful for the owner, tenant, lessee or occupant of any house-boat or boat intended for or capable of being used as a residence, house, dwelling or habitation, or for the agent of such owner, tenant, lessee or occupant to moor or anchor the same or permit the same to be moored or anchored in or on any river or stream, the waters of which are used for drinking or domestic purposes by any city, town or village within a distance of two miles above the intake or place where such city, town or village water system takes water from such river or stream; *provided, however,* that in the transportation of any such house-boat on any such river or stream nothing herein contained shall prevent the owner, agent, tenant or occupant of such house-boat from mooring or anchoring the same when necessary within the limits herein fixed and established; *provided,* such house-boat shall not

remain moored or anchored within such limits for a longer period than one day.

It shall be unlawful for any person to erect, construct, excavate or maintain on or near the banks of any river or stream and within two miles above the intake of any water supply used for domestic or drinking purposes in any city, town or village any privy, vault, cesspool, sewer pipe or conduit which shall cause or suffer to be discharged into said stream or river any sewage, garbage, feculent matter, offal, filth, refuse, or any animal, mineral or vegetable matter, or substance offensive, injurious or dangerous to health.

SEC. 2. Any person who violates any of the provisions of section 1 of this act is guilty of a misdemeanor. Each day's violation of any of the provisions of said section 1 shall constitute a separate and distinct offense.

SEC. 3. Any privy, vault, cesspool, sewer pipe or conduit erected, constructed, excavated or maintained on or near the banks of any river or stream within two miles above the intake of any water supply used for drinking or domestic purposes in any city, town or village, which shall cause or suffer to be discharged therefrom sewage, garbage, feculent matter, offal, refuse, filth or any animal, mineral or vegetable matter or substance, offensive, injurious or dangerous to health into such river or stream, and any house-boat or boat intended for or capable of being used as a residence, house, dwelling or habitation, which shall for more than one day be moored or anchored in or upon any river or stream within two miles above the intake of any water supply used for domestic or drinking purposes in any city, town or village are hereby declared to be public nuisances; and it is hereby made the duty of any and all sheriffs, constables, policemen and health officers to immediately abate said nuisance.

SEC. 4. This act shall take effect immediately.

CHAPTER 94.

An act to amend section 4237 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the eighth class, and to the number, appointment and salaries of their assistants and deputies.

[Approved March 6, 1909.]

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

SECTION 1. Section 4237 of the Political Code is hereby amended to read as follows:

Salaries in
counties of
eighth
class (San
Joaquin).

4237. In counties of the eighth class, the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum and eight cents a name for each person registered, and also such fees as are now or may hereafter be allowed by law.

2. The sheriff, three thousand three hundred dollars per annum; the sheriff shall also receive for his own use and benefit the fees for mileage which are now or which may hereafter be allowed by law, and the fees or commissions for the service of all papers whatsoever issued by any court of the state outside of his county; and shall also receive his necessary expenses in all criminal cases.

3. The recorder, two thousand one hundred dollars per annum.

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

5. The treasurer, two thousand three hundred dollars per annum, and such commissions as are now or may hereafter be allowed by law.

6. The tax collector, one thousand dollars per annum, and twenty-five per cent on all licenses collected, which shall be in full for all services as tax collector and license collector.

7. The assessor, eleven thousand five hundred dollars per annum; the assessor shall turn over to the county all fees and commissions for the collection of poll tax, personal property tax and for making up the military roll. The assessor shall make all maps and plats and shall bind in book form, alphabetically arranged, all assessment lists; *provided*, there shall be no charge against the county for the making of said maps, plats, and said binding, except for the material furnished in the making of said maps and plats and binding of said assessment lists.

8. The district attorney three thousand three hundred dollars per annum.

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

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

11. The superintendent of schools, twenty-four hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, said expenses not to exceed six hundred dollars in one year.

12. The surveyor, twenty-four hundred dollars per annum, and actual expenses for himself when engaged in the field or in the discharge of his official duties in the county; the surveyor shall pay into the county treasury all fees and commissions received by him for all work done by him other than for the county.

13. Justices of the peace shall receive the following salaries for all services rendered by them in criminal cases, payable in the same manner as county officers are paid, viz: In townships having a population of fourteen thousand or more, one hundred and fifty dollars per month; in townships having a population of not less than five thousand nor more than fourteen thousand, seventy-five dollars per month; in townships having a population of not less than three thousand nor more than five thousand, fifty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred nor more than two thousand, thirty-five dollars per month; in all townships having a population of less than one thousand four hundred, fifteen dollars per month; justices of the peace in counties of this class shall also receive for their own use and benefit such fees as are now or may be hereafter allowed by law in civil cases.

Justices of
the peace,
salaries
and fees of.

14. Constables shall receive the following salaries for all services rendered by them in criminal cases, payable monthly in the same manner as county officers are paid, viz: In townships having a population of fourteen thousand or more, one hundred dollars per month; in townships having a population of not less than five thousand nor more than fourteen thousand, seventy-five dollars per month; in townships having a population of not less than three thousand nor more than five thousand, fifty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred nor more than two thousand, thirty-five dollars per month; in all townships having a population of less than one thousand four hundred, fifteen dollars per month; constables in counties of this class shall also receive for their own use and benefit such fees as are now or may be hereafter allowed by law for mileage in criminal cases and shall also receive such fees as are now or may hereafter be allowed by law in civil cases.

Consta-
bles,
salaries
and fees of.

Super-
visors,
salaries
and mile-
age of.

15. Each member of the board of supervisors, twelve hundred dollars per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the board; and fifteen cents a mile in traveling to and from his residence to the county seat; *provided*, that not more than one mileage at any one term of the board shall be allowed.

Bonds.
kind of
required.

16. The bonds of the clerk, sheriff, recorder, auditor, treasurer, tax collector, assessor, district attorney, coroner, public administrator, superintendent of schools and surveyor, shall be executed with a reliable bond and security company and that the cost of said bond, when duly approved, shall be a charge against the county, and payable out of the general fund.

Deputies
and
salaries of.

17. The county clerk shall have one chief deputy, at a salary of eighteen hundred dollars per annum; three courtroom deputies, at a salary of fifteen hundred dollars per annum each; two office deputies at a salary of twelve hundred dollars per annum each; one deputy to the board of supervisors at a salary of twelve hundred dollars per annum; and a deputy or deputies not to exceed ten, for the purpose of registering electors, who shall be paid not to exceed three dollars per diem each.

The county recorder, one chief deputy at a salary of eighteen hundred dollars per annum, one deputy at a salary of fifteen hundred dollars per annum, three deputies at a salary of twelve hundred dollars per annum each; the recorder shall hire necessary assistance in preparing abstracts of mortgages for the assessor, in extending taxes, and purposes of emergency, but the aggregate salaries for such work shall not exceed twelve hundred dollars in any one year.

The treasurer, one chief deputy at a salary of two thousand one hundred dollars per annum, and one deputy at a salary of fifteen hundred dollars per annum.

The district attorney, an assistant district attorney, at a salary of two thousand one hundred dollars per annum, and a deputy district attorney, at a salary of fifteen hundred dollars per annum.

The superintendent of schools, one deputy, at a salary of nine hundred dollars per annum.

The sheriff, an undersheriff, who shall receive a salary of eighteen hundred dollars per annum; a clerk, who shall receive a salary of fifteen hundred dollars per annum; two deputy sheriffs, who shall receive a salary of twelve hundred dollars per annum each; three bailiffs or courtroom deputies, who shall receive a salary of twelve hundred dollars per annum each; two jailors, who shall receive a salary of twelve hundred dollars per annum each; and a deputy or deputies not to exceed two, for the purpose of serving papers and for other emergencies to be paid not to exceed three and a half dollars per diem each.

All the deputies, assistants, and clerks herein mentioned

shall be paid at the time and in the manner that the principals are paid.

18. For attending as a grand juror or as a juror in the superior court, for each day's attendance per day, three dollars. For each mile actually traveled in attending court as a juror, in going only, per mile, twenty-five cents.

Jurors,
per diem
and mileage
of.

SEC. 2. This act shall take effect immediately.

CHAPTER 95.

An act making an appropriation to pay the deficiency in the appropriation for traveling expenses, etc., of the railroad commission for the fifty-ninth and sixtieth fiscal years.

[Approved March 6, 1909.]

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

SECTION 1. The sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for traveling expenses, etc. of the railroad commission for the fifty-ninth and sixtieth fiscal years.

Deficiency
appropriation.

Railroad
commission.

SEC. 2. The controller is hereby authorized to draw his warrants for the sum herein made available and the state treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 96.

An act legalizing the formation and organization of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

[Approved March 6, 1909.]

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

SECTION 1. Reclamation district number seven hundred and thirty, in the county of Yolo, State of California, as formed and organized by the board of supervisors of the county of Yolo, State of California, is hereby approved, confirmed, ratified, legalized and declared valid.

Organiza-
tion of
district
validated.

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

CHAPTER 97.

An act fixing, establishing and defining, the exterior boundaries of reclamation district number seven hundred and thirty, in the county of Yolo, State of California.

[Approved March 6, 1909.]

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

SECTION 1. The exterior boundaries of reclamation district number seven hundred and thirty, in the county of Yolo, State of California, shall be, and the same are hereby fixed, defined, established and determined, as follows:

Bound-
aries of
district.

Beginning on the right bank of the Sacramento river at low-water mark, where said bank is intersected by the second standard parallel north from Mount Diablo, on the south boundary line of section thirty-one, (31), township eleven, (11), north, range three (3) east, M. D. B. and M. and running thence along the said right bank of said river upstream to the eastern boundary of the right of way of the Southern Pacific Railroad Company's main track, near the drawbridge, which crosses the said Sacramento river at Knights Landing; thence southwesterly along said right of way to a point where the same is intersected by the east boundary line of section twenty-seven, (27), township eleven (11) north, range two (2) east, M. D. B. and M.; thence south along the said east boundary of said section twenty-seven, (27), to the southeast corner of the northeast quarter thereof; thence west to the right of way of said railroad company aforesaid; thence southwesterly along said right of way to its intersection with a levee leading easterly on the northerly side of a drainage canal, the same being about five (5) chains north from the south boundary of said section twenty-seven, (27); thence easterly and southeasterly along said levee as follows: South $78\frac{1}{2}^{\circ}$ east 265 feet; thence south $85\frac{1}{2}^{\circ}$ east 593 feet; thence south $71\frac{1}{4}^{\circ}$ east 200 feet; thence north 88° east 425 feet; thence north $86\frac{1}{2}^{\circ}$ east 300 feet; thence south $43\frac{1}{2}^{\circ}$ east 3920 feet; thence south 2659 feet to a point fifty-one (51) feet east of the southwest corner of southeast quarter of section thirty-five, (35), township and range last above written; thence east along the south boundary of township eleven, (11), north, range two (2) and three (3) east, about 180 chains to the place of beginning.

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

CHAPTER 98.

An act making an appropriation of one thousand dollars (\$1,000.00) to pay the claim of Edward W. Lehner against the State of California.

[Approved March 6, 1909.]

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

SECTION 1. The sum of one thousand dollars (\$1,000.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay and discharge the claim of Edward W. Lehner against the State of California.

Appropriation.

Claim of E. W. Lehner.

SEC. 2. The sum hereby appropriated shall be in full payment, satisfaction and acquittance of the said claim of Edward W. Lehner and the controller is hereby authorized and directed to draw his warrant for the said sum and the treasurer of state is hereby authorized and directed to pay the same, and thereupon the said Edward W. Lehner shall make and deliver unto the controller a full receipt and release of his said claim against the State of California.

CHAPTER 99.

An act to amend section 1498 of the Code of Civil Procedure, relating to the time for commencing actions on rejected claims against estates of deceased persons.

[Approved March 6, 1909.]

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

SECTION 1. Section 1498 of the Code of Civil Procedure is hereby amended to read as follows:

1498. When a claim is rejected either by the executor or administrator, or a judge of the superior court, written notice of such rejection shall be given by the executor or administrator to the holder of such claim or to the person presenting the same and the holder must bring suit in the proper court against the executor or administrator within three months after the date of service of such notice if the claim be then due, or within two months after it becomes due, otherwise the claim shall be forever barred.

Rejected claim, time in which to sue for.

CHAPTER 100.

An act to amend section 855 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the sixth class.

[Approved March 6, 1909.]

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

SECTION 1. Section 855 of an act entitled: "An act to provide for the organization, incorporation and government of municipal corporations," is hereby amended so as to read as follows:

Trustees,
compensa-
tion may
be granted
by electors.

Section 855. The members of the board of trustees shall receive no compensation whatever; *provided*, that in all such cities, the question of whether the members of such board or any of them shall receive any compensation for his services as such member and the amounts thereof, may be submitted to the qualified electors of such cities at any general election, and if a majority of such electors voting at such election shall vote in favor thereof, then such trustee or trustees shall receive the compensation specified in the call submitting such question at such election; such compensation to begin on the first day of the month next succeeding the canvass of the return of such election and the amount so fixed shall, from such date, be a regular charge against such city, payable the same as other fixed salaries are paid. Such compensation may be increased or diminished at any general election thereafter, by submission of such question in the same manner and by the same vote as herein provided for the original creation of such compensation.

Other
officers,
compensa-
tion of.

The clerk, treasurer, marshal, and recorder shall severally receive, at stated times, a compensation, to be fixed by ordinance by the board of trustees, which compensation shall not be increased or diminished after their election, or during their several terms of office. Nothing herein contained shall be construed to prevent the board of trustees from fixing such several amounts of compensation in the first instance, during the term of office of any such officer, or after his election. The compensation of all other officers shall be fixed from time to time by the board of trustees.

SEC. 2. This act shall take effect immediately.

CHAPTER 101.

An act to authorize the trustees of the Preston School of Industry and the Whittier State School to acquire property by gift, bequest or devise.

[Approved March 6, 1909.]

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

SECTION 1. The board of trustees of the Preston School of Industry and the board of trustees of the Whittier State School shall each have power to receive by gift, bequest or devise any property, real or personal, and administer the same for the purpose of the school under the control of each of said boards, and in accordance with any lawful conditions attached to such gift, bequest or devise. The title of such property shall vest in the state, unless a different disposition is made in the instrument declaring such gift, bequest or devise.

Bequests,
adminis-
tration of.

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

CHAPTER 102.

An act to amend an act entitled, "An act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

[Approved March 6, 1900.]

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

SECTION 1. Section seven of an act entitled, "An act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," is hereby amended to read as follows:

Section 7. Each employment agent in the State of California shall permit the commissioner of the bureau of labor statistics of said state, by himself, or by his deputies or agents, to have at all times access to, and to inspect, the record in section six hereof named, and upon demand in writing therefor by said commissioner, shall furnish to such commissioner a true copy of said record, or of such portion thereof as said demand in writing shall require a copy of to be thus furnished. The commissioner, his deputies and agents shall have all powers and authority of sheriffs to make arrests for violations of the provisions of this act.

Bureau of
labor,
right of to
inspect
record.

CHAPTER 103.

An act to amend sections 3197, 3198 and 3199 of the Political Code of the State of California, relating to trade-marks.

[Approved March 6, 1900.]

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

SECTION 1. Section 3197 of the Political Code of the State of California is hereby amended to read as follows:

Trade-
mark,
filing of
claim to.

3197. Any person or persons, desiring to secure within this state the exclusive use of any trade-mark or name for any article of manufacture or for any business, shall, within thirty days after commencing to use such trade-mark or name, or at any time thereafter and before the filing of the said trade-mark or name by any other person, firm or corporation, file with the secretary of state his claim to the same, and a copy or description of such trade-mark or name, with his affidavit attached thereto, certified to by any officer authorized to take acknowledgments of conveyances, setting forth that he (or the firm or corporation of which he is a member) is the exclusive owner, or agent of the owner, of such trade-mark or name.

SEC. 2. Section 3198 of the Political Code of the State of California is hereby amended to read as follows:

Record of
by Secre-
tary of
State.

3198. The secretary of state must keep for public examination a record of all trade-marks or names filed in his office, with the date when filed and name of claimant; and must at the time of filing issue to the claimant a certificate of such filing under the great seal of the state, and collect from such claimant, a fee of five dollars, as provided for in section four hundred and sixteen of this code. *Provided, however,* the secretary of state shall refuse to file any trade-mark or name identical with, or so similar to any trade-mark or name already filed as to be calculated or liable to deceive.

SEC. 3. Section 3199 of the Political Code of the State of California is hereby amended to read as follows:

Transfer of
owner-
ship.

3199. Any person who has first adopted a trade-mark or name by filing same in the office of the secretary of state and has used said trade-mark or name, whether within or beyond the limits of this state, is its original owner. Such ownership may be transferred in the same manner as personal property and is entitled to the same protection by suits at law, and any court of competent jurisdiction may restrain, by injunction, any use of trade-marks, or names, in violation of this chapter.

CHAPTER 104.

An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; making violations of this act misdemeanors; and providing for the punishment of the same.

[Approved March 6, 1909.]

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

SECTION 1. Every building, room, basement or cellar, occupied, or used as a bakery, confectionery, cannery, packing-house, slaughterhouse, restaurant, hotel, grocery, meat market, or other place or apartment, used for the production, preparation for sale, manufacture, packing, storage, sale or distribution of any food, shall be properly lighted, drained, plumbed and ventilated, and conducted with strict regard to the influence of such conditions upon the health of the operatives, employees, clerks or other persons therein employed, and the purity and wholesomeness of the food therein produced, kept, handled or sold; and for the purpose of this act the term "food" shall include all articles used for food, drink, confectionery or condiment, whether simple or compound, and all substances and ingredients used in the preparation thereof.

Sanitation
required.

SEC. 2. The floors, sidewalls, ceilings, furniture, receptacles, utensils, implements and machinery of every establishment or place where food is manufactured, packed, stored, sold or distributed, shall at no time be kept in an unclean, unhealthful or unsanitary condition; and for the purposes of this act, unclean, unhealthful and unsanitary conditions shall be deemed to exist if food in the process of manufacture, preparation, packing, storing, sale or distribution is not securely protected from flies, dust, dirt, unsanitary conditions, and as far as may be necessary, by all reasonable means from all other foreign or injurious contamination; and if the refuse, dirt, and the waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling and distributing of food, are not removed daily; and if all trucks, trays, boxes, baskets, buckets, and other receptacles, chutes, platforms, racks, tables, shelves, and all knives, saws, cleavers, and all other utensils, receptacles, and machinery, used in moving, handling, cutting, chopping, mixing, canning, and all other processes used in the preparation of food, are not thoroughly cleaned daily; and if the

Protection
of food
from flies,
etc.

Clothing of operatives. clothing of operatives, employees, clerks, and other persons therein employed, is unclean, or if they dress or undress, or leave or store their clothing therein.

Walls, ceilings and floors. SEC. 3. The side walls and ceilings of every bakery, confectionery, hotel and restaurant kitchen, shall be well plastered, or ceiled, with metal or lumber, or shall be oil painted or kept well lime washed, or otherwise kept in a good sanitary condition and all interior woodwork of every bakery, confectionery, hotel and restaurant kitchen, shall be kept well oiled or painted with oil paint, and be kept washed clean with soap and water or otherwise kept in a good sanitary condition; and every building, room, basement or cellar, occupied or used for the preparation, manufacture, packing, storage, sale or distribution of food, shall have an impermeable floor, made of cement or tile laid in cement, brick, wood or other suitable, non-absorbent material which can be flushed and washed clean with water.

Screens. SEC. 4. The doors, windows and other openings of every food producing or distributing establishment, where practicable, shall be fitted with stationary or self-closing screen doors and wire window screens, of not coarser than fourteen mesh wire gauze.

Toilets. SEC. 5. Every building, room, basement or cellar, occupied or used for the preparation, manufacture, packing, canning, sale or distribution of food, shall have convenient toilet or toilet rooms, separate and apart from the room or rooms where the process of production, manufacture, packing, canning, selling or distributing, is conducted. The floors of such toilet rooms shall be of cement, tile laid in cement, wood, brick or other non-absorbent material, and shall be washed and scoured daily. Such toilets shall be furnished with separate ventilating pipes or flues, discharging into soil pipes, or on the outside of the building in which they are situated. Lavatories and washrooms shall be adjacent to toilet rooms, and shall be supplied with soap, running water and towels, and shall be maintained in a clean and sanitary condition. Operatives, employees, clerks and all persons who handle the material from which food is prepared, or the finished product, before beginning work and immediately after visiting a toilet or lavatory shall wash their hands and arms thoroughly in clean water.

Cuspidors. SEC. 6. Cuspidors, for the use of operatives, employees, clerks and other persons, shall be provided, and each cuspidor shall be emptied and washed out daily with disinfectant solution and not less than five ounces of such solution shall be left in each cuspidor while in use. No operative, employee, clerk or other person, shall expectorate or discharge any substance from his nose or mouth, on the floor or interior side wall of any building, room, basement, or cellar where the production, manufacture, packing, storing, preparation or sale of any food product is conducted.

SEC. 7. No person shall be allowed to, nor shall he, reside or sleep in any room of a bake shop, public dining-room, hotel or restaurant kitchen, confectionery, or other place where food is prepared, produced, manufactured, served or sold.

Sleeping
in bake
shops, etc.

SEC. 8. No employer shall require, permit or suffer any person to work, nor shall any person work, in a building, room, basement, cellar, place or vehicle, occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution or transportation of food, who is afflicted or affected with any venereal disease, smallpox, diphtheria, scarlet fever, yellow fever, tuberculosis, consumption, bubonic plague, Asiatic cholera, leprosy, trachoma, typhoid fever, epidemic dysentery, measles, mumps, German measles, whooping-cough, chicken pox, or any other infectious or contagious disease.

Infectious
diseases.

SEC. 9. The members of the state board of health, inspectors and agents appointed by said board, and all local health officers and inspectors, shall have full power at all times to enter every building, room, basement, cellar, or any place occupied or used, or suspected of being occupied or used, for the production, manufacture, preparation, storage, sale or distribution of food, and to inspect the premises and all utensils, implements, receptacles, fixtures, furniture and machinery used as aforesaid, and if, upon inspection, any such building, room, basement, cellar, or any such place, vehicle, employer, operative, employee, clerk, driver, or other person, is found to be in violation or violating any of the provisions of this act, or if the production, preparation, manufacture, packing, storing, sale or distribution of food is being conducted in a manner detrimental to the health of the employees or operatives or to the character or quality of the food therein being produced, manufactured, packed, stored, sold, distributed or conveyed, the officer or inspector making the examination shall at once make a written report of the same to the district attorney of the county who shall prosecute all persons violating any of the provisions of this act, and also to the state board of health. The state board of health, from time to time, as in its discretion it may determine, may publish such reports in its monthly bulletin.

Health
officers,
power to
inspect.

District
attorney,
duty of.

SEC. 10. All buildings, rooms, basements, cellars, and other places and things, kept, maintained or operated, or which are, in violation of the provisions of this act or any of them, and all food produced, prepared, manufactured, packed, stored, kept, sold, distributed or transported, in violation of the provisions of this act or any of them, are hereby declared to be public nuisances, dangerous to health. Such nuisances may be abated or enjoined, in an action brought for that purpose by the local or state board of health, or they may be summarily abated in the manner provided by law for the summary abatement of public nuisances dangerous to health.

Public
nuisances.

SEC. 11. Any person, firm or corporation, whether as principal or agent, employer or employee, who violates any of the

Penal
clause.

provisions of this act shall be guilty of a misdemeanor, and each day that conditions or actions, in violation of this act, shall continue, shall be deemed to be a separate and distinct offense, and for each offense, upon conviction, he shall be punished by a fine of not less than twenty-five dollars, nor more than five hundred dollars, or shall be imprisoned in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

CHAPTER 105.

An act amending sections four, ten and eleven of an act of the legislature of the State of California, 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 March 6, 1909.]

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

SECTION 1. That section four of an act of the legislature of the State of California, 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 4. Immediately upon their appointment said commission shall proceed with all diligence to investigate carefully the main public highways of the county and the condition thereof, and to have made a map showing said main public highways, their connections, and such other information in regard thereto as the commission may deem necessary for carrying out the purposes of this act, and to ascertain which of said main public highways should be improved by the issuance of bonds, and the kind of improvements to be made thereon, and to estimate the cost of such improvements. And also to investigate carefully the question of laying out and construct-

Duty of
commissioners.

ing any new public highways which said commission may deem necessary to be laid out and constructed in the county, and to have made a map showing said proposed new public highways, their connections, and such other information in regard thereto as the commission may deem necessary for carrying out the purposes of this act, and to ascertain whether any of said new public highways should be laid out and constructed by the issuance of bonds, and the kind of improvements to be made thereon, and to estimate the cost of such improvements.

New
highways.

SEC. 2. That section ten of said act is hereby amended to read as follows:

Section 10. All improvements constructed under this act shall be of a durable and lasting character; *provided*, the said commission shall have the power to determine how said highways shall be improved and constructed, and the character of the materials to be used in the improvement and construction thereof. If said commission shall determine that said highways, or any of them, shall be macadamized or paved, then the macadamized or paved portion of the roadbed constructed or any highway or portion thereof improved under this act, shall not exceed sixteen feet in width, unless donations are made to the highway commission for that purpose, in which case such donations may be used to defray the increased cost of constructing such macadamized or paved roadbed more than sixteen feet wide on any part of such highway specified by the donors; but no part of the proceeds of any bond issue shall be expended for such purpose. No railroad, electric road, or street railroad shall be constructed along or upon any highway, or any portion thereof, improved under the provision of this act, except for crossings duly authorized by the board of supervisors or other legislative body having control thereof, nor shall any board of supervisors or other legislative body have power to grant any franchise for the construction of any railroad, electric road, or street railroad along or upon any such highway or portion thereof, except for crossings.

Character
of mate-
rials.

Railroads
not to use.

SEC. 3. That section eleven of said act is hereby amended to read as follows:

Section 11. Whenever the said highway commission shall deem it necessary, the board of supervisors may, on its recommendation, cause any highway it proposes to improve to be widened, straightened, or altered, and cause new highways to be laid out and constructed, and for that purpose they may acquire land in the name of the county by donation or purchase; and may order the condemnation of such land and direct the district attorney to bring an action in the name of the county for that purpose under the provisions of the Code of Civil Procedure in relation to eminent domain. In such action the order of the board of supervisors shall be conclusive evidence of the regularity of all prior proceedings. The cost of purchasing or condemning such land shall be paid out of the highway improvement fund.

Eminent
domain.

SEC. 4. This act shall take effect immediately.

CHAPTER 106.

An act to provide for public cemetery districts.

[Approved March 6, 1909.]

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

Cemetery districts, organization of.

SECTION 1. Whenever a board of county supervisors shall receive the petition of a majority of the electors enumerated upon the great register as residing within a district in such county, definitely described in such petition, requesting that the said district be organized as a public cemetery district, they shall organize such public cemetery district as provided in this act.

Management.

SEC. 2. Such public cemetery district shall be managed by three trustees, appointed by the board of supervisors from the electors residing therein; but if a majority of the resident electors shall, in their petition, designate the names of the trustees whom they shall desire to be appointed, the board of supervisors shall appoint the persons so named. The trustees shall hold for four years, and their successors be appointed in like manner.

Duties of trustees.

SEC. 3. Such cemetery trustees shall maintain a cemetery for the use of all inhabitants of the district, and for that purpose shall be capable of holding title to property in trust for the district, taking property by grant, gift, devise or any other method, and doing all acts necessary or proper for managing the affairs of the district, including the selling or leasing of burial lots.

Tax levy for.

SEC. 4. The said cemetery trustees may annually certify to the county board of supervisors the amount of money necessary to be raised by taxation for maintaining the cemetery of the district, and the board of county supervisors shall thereupon include in the annual tax levy a tax upon all the property within such cemetery district, sufficient to raise the amount demanded by the trustees, but not exceeding two mills on each dollar of assessed valuation within the district.

Fund. how expended.

SEC. 5. The tax so collected, together with all other moneys received by the trustees shall be paid into the county treasury, and constitute a separate fund to be expended solely for the purposes of the cemetery district upon warrants signed by not less than two of the cemetery trustees.

Report of trustees.

SEC. 6. The trustees shall as soon after the first day of July in each year as is practicable, file with the county board of supervisors a report, setting forth all their doings during the preceding year, and containing an itemized account of all their receipts and disbursements up to and including the thirtieth day of June, together with proper vouchers therefor.

SEC. 7. The trustees shall make proper rules and regulations for the management of the cemeteries under their control, and all laws now in existence relating to cemeteries, and not inconsistent with this act shall apply to the cemeteries provided for in this act.

Rules and regulations.

CHAPTER 107.

An act to provide for temporary floors in buildings more than three stories high in the course of construction and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders and from falling bricks, rivets, etc.

[Approved March 6, 1909.]

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

SECTION 1. Any building more than three stories high in the course of construction shall have the joists, beams or girders of each and every floor below the floor or level where any work is being done or about to be done, covered with flooring laid close together, or with other suitable material, to protect workmen engaged in such building from falling joists or girders, and from falling bricks, rivets, tools and other substances whereby life and limb are endangered.

Protection from falling timbers.

SEC. 2. It shall be the duty of the contractor having charge of such building to provide the flooring as herein required.

Duty of contractor.

SEC. 3. It shall be the duty of the owner of such building to see that the contractor carries out the provisions of this act.

SEC. 4. Should the owner of such building let a contract for the construction of the class of building as herein provided to more than one contractor it shall then be the duty of the owner to provide the flooring as herein required.

Sub-contractor.

SEC. 5. Failure upon the part of the owner or contractor to comply with the provisions of this act shall be deemed a misdemeanor and shall be punishable as such.

Penalty.

CHAPTER 108.

An act to amend section 4240 of the Political Code relating to the salaries, fees, and mileage of officers and jurors in counties of the eleventh class.

[Approved March 6, 1909.]

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

SECTION 1. Section 4240 of the Political Code, is hereby amended to read as follows:

Salaries in
counties of
eleventh
class
(Hun-
boldt
county).

4240. In counties of the eleventh class, the county and township officers shall receive, as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum; and there shall be, and there hereby is allowed to the county clerk, two deputies who shall be appointed by the county clerk and shall each be paid a salary of twelve hundred dollars per annum, and during any year when an official primary election is held in the county, there shall be, and there hereby is, allowed to the county clerk one additional deputy who shall be appointed by the county clerk and shall be paid a salary of \$75.00 per month for a period of not exceeding four months in said year.

2. The sheriff shall receive five thousand dollars per annum; and there shall be and there hereby is allowed to the sheriff, one deputy, who shall be appointed by the sheriff and shall be paid a salary of one thousand five hundred dollars per annum.

3. The recorder, two thousand five hundred dollars per annum, and there shall be and there is hereby allowed to the county recorder two deputies who shall be appointed by the recorder and shall be paid a salary of seven hundred and fifty dollars per annum each. The recorder shall collect and pay into the county treasury the fees required by law; *provided* that whenever the amount of the fees so collected in any one month shall exceed the sum of four hundred dollars, the recorder may in addition to his salary, retain for his own use, one half of all such excess.

4. The auditor shall receive two thousand seven hundred dollars per annum.

5. The treasurer shall receive two thousand four hundred dollars per annum.

6. The tax collector shall receive two thousand eight hundred dollars per annum.

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

8. The assessor shall receive four thousand five hundred dollars per annum. He may employ such assistance as may

be necessary in making maps, plats and drawings essential for use in the assessor's office in the performance of his duty and the expense thereof shall be a charge against the county.

9. The district attorney shall receive two thousand four hundred dollars per annum; and there is hereby allowed to the district attorney one deputy to be appointed by him who shall receive a salary of one thousand dollars per annum.

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

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

12. The superintendent of schools, two thousand dollars per annum; and there shall be and there is hereby allowed to the superintendent of schools, one deputy, who shall be appointed by the superintendent of schools, and shall be paid a salary of seven hundred and fifty dollars per annum.

13. The surveyor shall receive two thousand dollars per annum; and necessary traveling expenses while in the performance of the duties of his office.

14. Each supervisor nine hundred dollars per annum, and mileage at twenty cents per mile, for all distances traveled by him as supervisor or as road commissioner; such mileage not to exceed, in any one year, the sum of seven hundred and fifty dollars.

Super-
visors.

15. The official shorthand reporter shall receive two thousand dollars per annum for the department of the superior court to which he has been appointed. Whenever one reporter shall be appointed to, and shall perform the duties required of the official shorthand reporter, for more than one department of said superior court he shall receive a salary therefor of two thousand five hundred dollars per annum. In addition thereto, he shall receive for transcribing notes, the sum of ten cents per folio, for the original, and five cents per folio for all copies thereof.

Shorthand
reporter.

16. In townships having a population of seven thousand or over, two justices of the peace shall be elected, and each shall receive a salary of fifty dollars per month. In townships having a population less than seven thousand and over four thousand there shall be but one justice of the peace elected and he shall receive a salary of thirty dollars per month. In all other townships there shall be but one justice of the peace who shall receive a salary of twenty dollars per month. All justices in counties of this class shall, in addition to the salaries above provided for, receive and collect for their own use and benefit, in civil cases only, the following fees, to wit:

Justices of
the peace.

(1) Each justice of the peace shall be allowed, in civil actions for all services before trial or entry of judgment, by default or confession, two dollars and for all additional services in such action, including execution and satisfaction of judgment, two dollars.

(2) For the trial of civil actions and all proceedings subsequent thereto, three dollars.

(3) For certificate and transmitting papers and transcript on appeal, one dollar.

(4) For copies of papers on docket per folio, ten cents.

(5) For issuing a search warrant, the fee to be paid by the party demanding the same, one dollar.

(6) For celebrating a marriage, and returning a certificate thereof to the county recorder, five dollars.

(7) For taking an acknowledgment of an instrument, for the first name fifty cents, and for each additional name twenty-five cents.

(8) For administering an oath, and certifying the same, fifty cents.

(9) For issuing a commission to take testimony, one dollar.

(10) For all services connected with the posting of estrays, one dollar.

(11) For issuing each affidavit, certificate, process, writ, order, or paper required by law to be issued, not otherwise herein provided for, twenty-five cents.

(12) For taking bail in all proceedings, pending before another magistrate, fifty cents.

Con-
stables.

17. In townships having a population of seven thousand or over two constables shall be elected and each shall receive a salary of forty dollars per month. In townships having a population less than seven and over four thousand, there shall be but one constable elected, and he shall receive a salary of twenty-five dollars per month. In all other townships there shall be but one constable who shall receive twenty dollars per month. All constables in addition to the salaries above provided for, shall receive and collect, for their own use and benefit, in civil cases only, the following fees, to wit:

(1) For serving summons and complaint, for each defendant served, fifty cents.

(2) For each copy of summons made by him, twenty-five cents.

(3) For levying writ of attachment or execution, or executing an order of arrest, in a civil case or for delivery of personal property, two dollars.

(4) For serving a writ of attachment or execution on any ship, boat, or vessel, three dollars.

(5) For keeping personal property, such sum as the court may order, but no more than two dollars fifty cents per day, for a keeper, when necessarily employed.

(6) For taking a bond or undertaking, one dollar.

(7) For copies of writs or other papers, except summons, complaints, and subpoenas, per folio, fifteen cents; *provided*, that when correct copies are furnished him for use, no charges shall be made for such copies.

(8) For serving any writ, notice or order, except summons, complaint, or subpoena, for each persons served, fifty cents.

(9) For writing and posting each notice of sale of property, fifty cents.

(10) For furnishing notice of publication, twenty-five cents.

(11) For serving subpoenas, each witness including copy, fifty cents.

(12) For collecting money on execution two and one half per cent.

(13) For executing and delivering certificate of sale, fifty cents.

(14) For executing and delivering constable's deed, two dollars and fifty cents.

(15) For each mile actually traveled within his county in the service of any civil writ, order, or paper, in going only, per mile, twenty-five cents. No constructive mileage shall be allowed.

(16) For each mile necessarily traveled within his county, in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents; and the actual cost of the transportation of the prisoner or prisoners from the place of arrest to the justice court, and the necessary expense of assistance; *provided*, that for traveling in performance of two or more official services at the same time, including the service of criminal process, but one mileage shall be charged.

(17) For each mile necessarily traveled outside his county in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents.

(18) For transporting prisoners to the county jail, from the justices' court or from the county jail to the justices' court, the actual cost of transportation and assistance, and mileage at twenty-five cents per mile, one way. In conveying two or more prisoners, but one mileage shall be charged.

(19) For each day in which the constable is charged with the custody of a prisoner or prisoners, two dollars fifty cents, and for necessary expense of maintenance and assistance in keeping said prisoners.

(20) For summoning a jury in a civil case, twenty-five cents for each of the persons so summoned, and mileage at the rate of twenty-five cents per mile, going only.

(21) For attending court during the trial of a civil cause, per day, three dollars.

(22) For making sales of estrays in civil cases, the same fees as for sales on execution.

(23) For serving writ of possession or restitution, putting a person in possession of the premises, and removing the occupants therefrom three dollars per day, and mileage at twenty-five cents per mile, going only.

(24) The mileage provided for herein shall be computed for the shortest practicable traveled route between the two points for which mileage is claimed.

18. The fees of grand jurors and trial jurors in the superior courts of said counties of the eleventh class, in civil and criminal cases shall be three dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In

Jurors,
superior
court.

criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

Jurors,
justices'
courts.

19. The fees of jurors in justices' courts shall be two dollars per day in civil cases only for each juror sworn to try the cause and mileage to be computed at the rate of fifteen cents per mile in civil cases only, for each mile necessarily traveled in attending court, in going only.

20. All salaries provided for in this article shall be paid out of the treasury of the county in monthly installments, and all fees shall be paid from the county treasury as other bills against the county are paid.

CHAPTER 109.

An act appropriating one thousand dollars for the purchase of books and periodicals for the Whittier State School.

[Approved March 6, 1909.]

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

Appropriation for purchase of books.

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the purchase of books and periodicals for the Whittier State School.

SEC. 2. The state controller is hereby authorized to draw his warrant in favor of the board of trustees of the Whittier State School for the amount herein appropriated, and the state treasurer is hereby directed to pay the same.

CHAPTER 110.

An act providing for the registration of the purchasers of pistols; and providing for the punishment of dealers neglecting to register such purchasers.

[Approved March 6, 1909.]

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

SECTION 1. Every person engaged in the business of selling at retail pistols shall keep a register in which shall be entered the name, age, occupation and residence (if residing in a city then the street number of such residence) of each and every purchaser of such pistols, together with the number or other mark of identification if any on such pistol, which said register shall be open to the inspection of all peace officers at all times. Registration required.

SEC. 2. Every person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and shall on conviction be fined a sum not to exceed fifty dollars, or in default of the payment of said fine shall be imprisoned in the county jail not to exceed one day for each two dollars of said fine. Penalty.

CHAPTER 111.

An act to amend an act entitled "An act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records"; approved June 16th, 1906.

[Approved March 6, 1909.]

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

SECTION 1. Section 18 of an act entitled "An act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records"; approved June 16th, 1906, is hereby amended so as to read as follows:

Section 18. All actions authorized hereby must be commenced before January 1st, 1911. Actions, when must be commenced.

SEC. 2. This act shall take effect immediately.

CHAPTER 112.

An act to amend section 4250 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the twenty-first class.

[Approved March 6, 1900.]

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

SECTION 1. Section 4250 of the Political Code of the State of California, is hereby amended to read as follows:

Salaries in counties of twenty-first class (Nevada county).

4250. In counties of the twenty-first class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to-wit:

1. The county clerk, three thousand dollars per annum, and when a great register of voters is required by law to be made, he shall receive six hundred and fifty dollars additional, which shall be in full for all services rendered in registering voters and making the great register.

2. The sheriff, six thousand dollars per annum. The sheriff shall also receive for his own use, for serving all papers issued from justices' courts, the same fees as are now or may be hereafter allowed by law to constables for like service.

3. The recorder, three thousand two hundred dollars per annum.

4. The auditor, eight hundred dollars per annum.

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

6. The tax collector, six hundred and fifty dollars per annum.

7. The assessor, five thousand five hundred dollars per annum.

8. The district attorney, two thousand five hundred dollars per annum; and the district attorney may appoint one deputy, which office is hereby created, at a salary of six hundred dollars per annum. The deputy district attorney to hold office at the pleasure of the district attorney. The salary of such deputy to be paid monthly and in the same manner as salaries of county officers are now paid.

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

10. The public administrator, four hundred dollars per annum.

11. The superintendent of schools, two thousand dollars per annum; and he shall receive and retain for his own use the sum of five dollars per diem for each and every day he attends the meetings of the county board of education, and shall also be allowed his actual and necessary traveling expenses in visiting the schools of the county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Each member of the board of supervisors shall receive for his services the sum of nine hundred dollars per annum, and twenty cents per mile in traveling to and from his residence to the county seat; *provided* that no more than one mileage at any regular session of the board shall be allowed, and that one fourth of the annual salary shall be paid at the close of each quarterly session of the board; *and provided further*, they shall be reimbursed for necessary expenses actually incurred by attending any special session of the board.

The road commissioners shall be reimbursed for all traveling, personal and other necessary expenses; said expenses not to exceed \$5.00 per day while actually engaged in the performance of their duties upon the roads; *provided*, that the full amount of expenses incurred shall not exceed \$75.00 in any one quarter, to be allowed as other claims by the board of supervisors.

14. Justices of the peace, such fees as are now or may be hereafter allowed by law; *provided*, that justices of the peace of townships containing four thousand five hundred inhabitants or more shall be allowed a salary of six hundred dollars per annum, payable monthly and in the same manner as salaries of county officers are paid, and shall be in full for all services rendered by him in criminal cases; *provided further*, that justices of the peace shall, before receiving their monthly salary file with the auditor a statement of all fines received, together with the treasurer's receipt for the same. All fines collected by justices of the peace shall be turned over to the county treasurer of said county within ten days after receipt of same; *provided*, that all fines collected for city offenses shall be turned over to the city treasurer of the city where the offense shall have been committed. In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may be hereafter allowed by law, for all services rendered by him in civil actions.

15. Constables, such fees as are now or may be hereafter allowed by law; *provided*, that constables of townships containing two thousand inhabitants or more shall be allowed a salary of four hundred and eighty dollars per annum, payable monthly and in the same manner as county officers are paid, and shall be in full for all services rendered by them in criminal cases; *provided further* that they shall be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury; in addition to the monthly salary herein allowed, each constable may receive and retain for his own use such fees as are now or may be hereafter allowed by law, for all services rendered by him in civil actions. For the purpose of regulating salaries of justices and constables,

townships in this class of counties are hereby classified according to their population as shown by the federal census of one thousand nine hundred.

Official
reporter.

16. In counties of this class the official reporter of the superior court shall receive such fees as are now or may be hereafter allowed by law, and when necessary for such reporter to travel away from the county seat in the performance of his duty he shall receive his actual and necessary traveling and personal expenses, to be allowed and paid by the board of supervisors as are other county charges.

17. This act shall take effect immediately.

CHAPTER 113.

An act to amend the Penal Code of California, by adding a new section thereto, to be numbered two hundred and seventy "c," relating to the support of indigent parents.

[Approved March 6, 1900.]

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

SECTION 1. There is hereby added to the Penal Code of the State of California a new section to read as follows:

Adult
child, duty
of to pro-
vide.

270c. Every adult child, who having the ability so to do, fails to provide necessary food, clothing, shelter, or medical attendance for an indigent parent, is guilty of a misdemeanor.

CHAPTER 114.

An act making an appropriation to pay for the rental and janitor service of quarters for the second district court of appeal.

[Approved March 6, 1900.]

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

Appropriation to pay for rent of quarters.

SECTION 1. The sum of seven thousand eight dollars and thirty-four cents (\$7,008.34) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay for the rental and janitor service of quarters for the second district court of appeal from May 1, 1907, to June 30, 1909, the said quarters having been leased by the judges of said court

under the authority of an act of the legislature approved March 21, 1907. (Statutes 1907, page 846.)

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

SEC. 3. This act shall take effect immediately.

CHAPTER 115.

An act to provide for work upon and the construction of sidewalks and curbing within municipalities.

[Approved March 6, 1909.]

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

SECTION 1. All streets, lanes, alleys, places and courts in the municipalities of this state now open or dedicated, or which may hereafter be opened or dedicated, to public use shall be deemed and held to be public streets, lanes, alleys, places and courts for the purposes of this act. Public streets defined.

SEC. 2. Whenever, in the opinion of the city council, public interest or public convenience may require the city council is hereby authorized and empowered to order sidewalks to be constructed in any street, lane, alley, place or court within such municipality. Before ordering any sidewalk to be constructed the city council shall pass a resolution of intention so to do and describing the work, which resolution shall be posted conspicuously for two days on or near the chamber door of said council and published by two insertions in a daily, semi-weekly or weekly newspaper, published and circulated in said city and designated by said city council for that purpose. The street superintendent shall thereupon cause to be conspicuously posted along the line where it is proposed said sidewalk shall be constructed and at not more than one hundred feet in distance apart, but not less than three in all, notices of the passage of said resolution. Said notice shall be headed "Notice of sidewalk work" in letters of not less than one inch in length and shall in legible characters state the fact of the passage of the resolution, its date and approval, the work or improvement proposed and refer to the resolution for further particulars. In case there is no newspaper published in said city, said resolution of intention shall be posted for six days on or near the chamber door of said council and copies thereof in two other conspicuous places in said city as hereinafter provided. The owners of a majority of the frontage of the property fronting on said proposed sidewalk and on the same side of the street, lane, alley, place or court where it is proposed said Sidewalks, order for.
Notice of work, posting of.
Objection by owners, how made.

sidewalk shall be constructed may make a written objection to said proposed improvement within ten days after the expiration of the time of the publication and posting of said resolution of intention, which objection shall be delivered to the clerk of the city council, who shall endorse thereon the date of its reception by him. Thereupon the said city council shall at its next meeting fix a time for hearing such objections, not less than one week thereafter, and the city clerk shall thereupon notify the persons making such objections by depositing a notice thereof in the post office in said city, postage prepaid, addressed to each objector, or his agent when an agent appears for such objector. At the time specified said city council shall hear the objections urged and pass upon the same, and its decision thereon shall be final and conclusive. At the expiration of twenty days after the expiration of the time of said publication by said street superintendent and at the expiration of twenty-five days after the advertising and posting as aforesaid of any resolution of intention, if no written objection to the work therein described has been delivered as aforesaid by the owners of a majority of the frontage of the property fronting on said proposed work or improvement and on the same side of the street, lane, alley, place or court where it is proposed the said sidewalk shall be constructed, and at the expiration of fifteen days after the decision of the city council upon objections made, if objections have been made, the city council shall be deemed to have acquired jurisdiction to order the work to be done or improvement to be made, which is authorized by this act, which order, when made, shall be posted for two days, the same as provided for the posting of the resolution of intention. Before passing any resolution for the construction of sidewalks, plans and specifications and careful estimates of the costs and expenses thereof shall be furnished to the city council, if required by it, by the city engineer of the city.

Hearing of objections.

Jurisdiction, when acquired.

Owners may petition for construction.

SEC. 3. The owners of a majority in frontage of lots and lands fronting on the same side of any street, avenue, lane, alley, place or court where it is proposed that a sidewalk shall be constructed and of lots and lands liable to be assessed for the expense of the work petitioned to be done, or their duly authorized agents, may petition the city council to order such sidewalk to be constructed, and the city council may order the sidewalk to be constructed after notice of its intention so to do has been posted and published as provided in section 2 of this act.

Proposals or doing work.

SEC. 4. Before awarding any contract for the construction of a sidewalk, the city council shall cause notice with specifications to be posted conspicuously for five days on or near the council chamber door of said council inviting sealed proposals or bids for doing the work ordered and shall also cause notice of the said work inviting said proposals or bids and referring to the specifications posted or on file to be published for two days in a daily, semi-weekly or weekly newspaper, published and circulated in said city designated by the council for that

purpose, and in case there is no newspaper published in said city then said notice shall only be posted as hereinbefore provided. All proposals or bids offered shall be accompanied by a check payable to the order of the mayor of the city, certified by a responsible bank for an amount, which shall not be less than ten per cent. of the aggregate of the proposal, or by a bond for said amount and so payable, signed by the bidder and by two sureties, who shall justify before an officer competent to administer an oath in double the said amount and over and above all statutory exemptions. Said proposals or bids shall be delivered to the clerk of the said city council and said council shall in open session examine and publicly declare the same; *provided, however*, that no proposal or bid shall be considered unless accompanied by said check or bond satisfactory to the council. The city council may reject any or all proposals or bids should it deem this for the public good and shall also reject the bid of any party who has been delinquent or unfaithful in any former contract with the municipality, and shall reject all proposals or bids other than the lowest regular proposal or bid of any responsible bidder and may award the contract for said work to the lowest responsible bidder at the prices named in his bid, which award shall be approved by the mayor or a three-fourths vote of the city council. If not approved by him or a three-fourths vote of the city council, without further proceedings, the city council may readvertise for proposals or bids for the performance of the work as in the first instance and thereafter proceed in the manner in this section provided and shall thereupon return to the proper parties the respective checks and bonds corresponding to the bids so rejected, but the checks or bonds accompanying such accepted proposals or bids shall be held by the city clerk of said city until the contract for doing said work as hereinafter provided has been entered into, either by said lowest bidder or by the owners of three-fourths part of the frontage fronting on the same side of the street where said sidewalk is to be constructed, whereupon said certified check shall be returned to said bidder. But if said bidder fails, neglects or refuses to enter into the contract to perform said work as hereinafter provided then the certified check accompanying his bid and the amount mentioned therein shall be declared to be forfeited to said city and shall be collected by it and paid into its fund for repairs of streets; and any bond forfeited may be prosecuted and the amount due thereon collected and paid into said fund. Notice of such award of contract shall be posted for five days in the same manner as hereinbefore provided for the posting of the resolution of intention. The owners of three-fourths of the frontage of lots and lands upon the same side of the street where said sidewalk is to be constructed, or their agents, and who shall make oath that they are such owners or agents, shall not be required to present sealed proposals or bids, but may within ten days after the first posting of said notice of said award elect to take said work and enter into a written contract

Council
may reject
bids.

Re-adver-
tising.

Forfeit of
check by
bidder.

Notice of
award.

Owners
may elect
to take
work.
when.

to construct said sidewalk at the price at which the same has been awarded. Should the said owners fail to elect to take such work and to enter into a written contract therefor within ten days or to commence work within fifteen days after the first posting of said award and to prosecute the work with diligence to completion, it shall be the duty of the superintendent of streets to enter into a contract with the original bidder, to whom the contract was awarded, and at the prices specified in his bid, but if such original bidder neglects, fails or refuses for fifteen days after the first posting of the notice of award to enter into the contract, then the said city council without further proceedings shall again advertise for proposals or bids as in the first instance and award the contract for the said work to the then lowest regular bidder. The bids of all persons and the election of all owners as aforesaid, who have failed to enter into the contract as herein provided, shall be rejected from any bidding or election subsequent to the first for the same work. If the owner or contractor, who may have taken any contract, does not complete the same within the time limited in the contract, or within such further time as the city council may give him, the superintendent of streets shall report such delinquency to the city council, which may relet the unfinished portion of said work after pursuing the formalities prescribed hereibetore for the letting in the first instance. All contractors, contracting owners included, shall at the time of executing any contract for the construction of a sidewalk under the provisions in this act, execute a bond to the satisfaction and approval of the street superintendent of said city with two or more sureties and payable to said city in such sum as the mayor may deem adequate conditioned for the faithful performance of the contract, and the sureties shall justify before some person competent to administer an oath in double the amount mentioned in such bond over and above all statutory exemptions. Before being entitled to a contract the bidder to whom the award was made or the owners who have elected to take the contract must advance to the street superintendent for payment by him the costs of publication and posting of the notices, resolution, orders or other incidental expenses and matters required under the proceedings prescribed in this act and such other notices as may be deemed requisite by the city council including in such incidental expenses the necessary surveying and superintendence of said work. And in case the work is abandoned by the city before the letting of the contract, the incidental expense incurred previous to such abandonment shall be paid out of the city treasury.

Delin-
quent con-
tractor.

Bonds for
perform-
ance of
contract.

Costs of
publica-
tion, by
whom
paid.

Superin-
tendent of
streets,
powers
and duties
of.

SEC. 5. The superintendent of streets is hereby authorized, in his official capacity, to make all written contracts and receive all bonds authorized by this act and to do any other act, express or implied, that pertains to the street department under this act; and he shall fix the time for the commencement, which shall not be more than fifteen days from the date of the con-

tract and for the completion of the work under all contracts entered into by him, which work shall be prosecuted with diligence from day to day thereafter to completion, and he may extend the time so fixed for completion of the work from time to time under direction of the city council. The work provided to be done under this act must in all cases be done under the direction and to the satisfaction of the superintendent of streets, and the materials used shall comply with the specifications and be to the satisfaction of said superintendent of streets, and all contracts made therefor must contain a provision to that effect and also express notice that in no case, except where it is otherwise provided in this act, will the city, or any officer thereof, be liable for any portion of the expense nor for any delinquency of persons or property assessed. The city council may, by ordinance, prescribe general rules directing the superintendent of streets and the contractor as to the material to be used and the mode of executing the work under all contracts thereafter made. The assessment and apportionment of the expense of all such work shall be made by the superintendent of streets in the mode herein provided.

Sec. 6. Subdivision One.—It is considered and established by this act that the construction of a sidewalk authorized by this act is and will be of peculiar and special benefit, gain and advantage to the lots and lands fronting on such sidewalk on the same side of the street on which the sidewalk is constructed and not of peculiar or special benefit, gain or advantage to any other property. The expense incurred for the construction of any sidewalk authorized by this act (which expense shall not include the cost of any work done in such portion of any street as is required by law to be kept in order and repair by any person or company having railroad tracks thereon) shall be assessed upon the lots and lands fronting thereon on the same side of the street where said sidewalks shall be constructed, each lot, or portion of lot, being separately assessed in proportion to the frontage at a rate per front foot sufficient to cover the total expense of the work, except the expense of so much thereof as shall be constructed upon any intersection or street crossing. The expense of that portion of the work constructed upon any intersection or street crossing shall be paid by the municipality out of the city treasury.

Subdivision Two.—It shall be lawful for the owner or owners of lots or lands fronting upon any street and on the same side of the street where a sidewalk is to be constructed, to perform at his or their own expense, after obtaining permission from the city council so to do, but before such council has passed its resolution of intention to order the sidewalk to be constructed, the work of constructing the sidewalk upon the same side of the street upon which his or their property so fronts, and thereupon to procure a certificate from the city engineer setting forth the fact of the construction of such sidewalk to the width and upon the grade and of the material as required by the city council.

Assess-
ments,
what lands
liable for.

Owner
may con-
struct
when.

Assessment to cover cost of work.

SEC. 7. After the contractor of any sidewalk work has fulfilled his contract to the satisfaction of the superintendent of streets of said city, or city council on appeal, the superintendent of streets shall make an assessment to cover the sum due for the work performed and specified in said contract (including any incidental expenses) in conformity with the provisions of the preceding section, or if any direction and decision be given by the city council on appeal then in conformity with such direction and decision, which assessment shall briefly refer to the contract, the work contracted for and performed and shall show the amount to be paid therefor together with any incidental expenses, the rate per front foot assessed, the amount of each assessment, the name of the owner of each lot or portion of lot (if known to the superintendent of streets); if unknown the word "unknown" shall be written opposite the number of the lot and the amount assessed thereon, the number of each lot, or portion or portions of the lot, assessed, and said assessment shall have attached thereto a diagram exhibiting each street or street crossing, lane, alley, place or court on which any work has been done and showing the relative location of each lot or portion of lot to the work done numbered to correspond with the numbers in the assessment and showing the number of feet fronting on said work contracted for and performed.

Warrant for assessment.

SEC. 8. To said assessment shall be attached a warrant, which shall be signed by the superintendent of streets and countersigned by the mayor of said city. The said warrant shall be substantially in the following form:

FORM OF WARRANT.

By virtue hereof, I (name of the superintendent of streets) of the city of....., county of..... (or city and county of.....) and State of California, by virtue of the authority vested in me as such superintendent of streets do authorize and empower (name of contractor) (his or their) agents or assigns, to demand and receive the several assessments upon the assessment and diagram hereto attached, and this shall be (his or their) warrant for the same.

(Date.)

.....
(Name of superintendent of streets.)

Countersigned by

.....
(Name of mayor.)

Record of warrant.

Said warrant, assessment and diagram together with the certificate of the city engineer to the effect that the work has been performed in accordance with the contract shall be recorded in the office of the said superintendent of streets. When so recorded the several amounts so assessed shall be a lien upon the lands, lots or portions of lots assessed respectively for the period of two years from the date of said recording

unless sooner discharged; and from and after the date of said recording of any certificate, assessment, diagram and warrant all persons shall be deemed to have notice of the contents of the record thereof. After said warrant, assessment, diagram and certificate are recorded, the same shall be delivered to the contractor, or his agent or assigns, but not until after the payment to the superintendent of streets of the incidental expenses not previously paid; and by virtue of said warrant said contractor, or his agent or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in the contract and assessment. Whenever it shall appear by any final judgment of any court in this state that any suit brought to foreclose the lien of any sum of money assessed to cover the expense of such sidewalk work done under the provisions of this act has been defeated by reason of any defect, error, informality, omission, irregularity or illegality in any assessment hereafter to be made and issued or in the recording thereof, or in the return thereof, made to or recorded by said superintendent of streets, any person interested therein may at any time within three months after the entry of said final judgment apply to said superintendent of streets, who issued the same, or to any superintendent of streets at the time of said application, for another assessment to be issued in conformity to law; and said superintendent of streets shall within fifteen days after the date of said application make and deliver to said applicant a new assessment, diagram and warrant in accordance with law, and the then mayor shall countersign the same as now provided by law, which assessment shall be a lien for the period of two years from the date of said assessment and be enforced as provided by this act.

Defects in assessments, how cured.

SEC. 9. The contractor, or his assigns, or some person in his or their behalf, shall call upon the persons assessed, or their agents, if they can conveniently be found, and demand payment of the respective amounts assessed to each. If any payment be made, the contractor, his assigns or some person in his or their behalf, shall receipt for the same upon the assessment in presence of the person making such payment and shall also give a separate receipt, if demanded. Whenever the person so assessed, or his or their agents, can not conveniently be found, or whenever the name of the owner of the lot is stated as "unknown" on the assessment, then the said contractor, or his assigns or some person in his or their behalf, shall publicly demand payment on the premises assessed. The warrant shall be returned to the superintendent of streets within thirty days after its date with a return endorsed thereon signed by the contractor, or his assigns or some person in his or their behalf, verified upon oath, stating the nature and character of the demand and whether any of the assessments remain unpaid in whole, or in part, and the amount thereof. Thereupon the superintendent of streets shall record the return so made in the margin of the record of the warrant and assessment and shall

Demands upon persons assessed.

Unknown owners.

Return of warrant.

also record the original contract referred to therein if it has not already been recorded in full length in a book to be kept for that purpose in his office and shall sign the record. The superintendent of streets is authorized at any time to receive the amount due upon any assessment list and warrant issued by him and give a good and sufficient discharge therefor, *provided* that no such payment made after suit has been commenced without the consent of the plaintiff in the action shall operate as a complete discharge of the lien until the costs in the action shall be refunded to the plaintiff; and said superintendent may release any assessment upon the books of his office on payment to him of the amount of the assessment against any lot with interest or on the production to him of the receipt of the party, or his assigns, to whom the assessment and warrant were issued; and if any contractor shall fail to return his warrant within the time and in the form provided in this section, he shall thenceforth have no lien upon the property assessed, *provided, however*, that in case any warrant is lost upon proof of such loss a duplicate may be issued, upon which a return may be made with the same effect as if the original has been so returned. After the return of the assessment and warrant as aforesaid all amounts remaining due thereon shall draw interest at the rate of ten per cent per annum until paid.

Lost warrants.

Objections to work or assessments.

SEC. 10. The owners, whether named in the assessment or not, the contractor, or his assigns, and all other persons directly interested in any work provided for in this act, or in the assessment, feeling aggrieved by any act or determination of the superintendent of streets in relation thereto, or who claim that the work has not been performed according to the contract in a good and substantial manner, or having or making any objection to the correctness or legality of the assessment or other act, determination, or proceedings of the superintendent of streets, shall, within thirty days after the date of the warrant, appeal to the city council, as provided in this section, by briefly stating their objections in writing, and filing the same with the clerk of said city council. Notice of the time and place of hearing, briefly referring to the work contracted to be done, or other subject of appeal, and to the acts, determinations, or proceedings objected to or complained of, shall be published for five days. Upon such appeal, the said city council may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations of the superintendent of streets relative to said work; may confirm, amend, set aside, alter, modify, or correct the assessment in such manner as to them shall seem just, and require the work to be completed according to the directions of the city council; and may instruct and direct the superintendent of streets to correct the warrant, assessment, or diagram in any particular, or to make and issue a new warrant, assessment and diagram, to conform to the decisions of said city council in relation thereto, at their option. All the determinations and decisions of said city council, upon notice and hearing as aforesaid, shall

Hearing of objections.

Actions of council to be final.

be final and conclusive upon all persons entitled to appeal under the provisions of this section, as to all errors, informalities and irregularities which said city council might have remedied and avoided; and no assessment shall be held invalid, except upon appeal to the city council, as provided in this section, for any error, informality, or other defect in any of the proceedings prior to the assessment, or in the assessment itself, where the resolution of intention of the city council to order the work to be done, for which the assessment is made, has been actually published in any designated newspaper of said city for the length of time prescribed by law, before the passage of the resolution ordering the work to be done.

SEC. 11. At any time after the period of thirty-five days from the day of the date of the warrant, as herein provided, or if an appeal is taken to the city council, as provided in section ten of this act, at any time after five days from the decision of said council, or after the return of the warrant or assessment, after the same may have been corrected, altered or modified, as provided in said section ten (but not less than thirty-five days from the date of the warrant), the contractor, or his assignee, may sue, in his own name, the owner of the land, lots or portions of lots, assessed on the day of the date of the recording of the warrant, assessment and diagram, or any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining unpaid, with interest thereon at the rate of ten per cent per annum until paid. Suit may be brought in the superior court within whose jurisdiction the city is in which said work has been done, and in case of any assessment made against lots, portions of lots, or lands, if the owners thereof can not, with due diligence be found, the service in each of such actions may be had in such manner as is prescribed in the codes and laws of this state. The said warrant, assessment, certificate and diagram, with the affidavit of demand and non-payment, shall be held prima facie evidence of the regularity and correctness of the assessment and of the prior proceedings and acts of the superintendent of streets and city council upon which said assessment, warrant and diagram are based, and like evidence of the right of the plaintiff to recover in the action. The court in which said suit shall be commenced shall have power to adjudge and decree a lien against the premises assessed, and to order such premises to be sold on execution, as in other cases of the sale of real estate by the process of said courts; and on appeal the appellate courts shall be vested with the same power to adjudge and decree a lien and to order such premises to be sold on execution or decree as is conferred on the court from which an appeal is taken. Such premises, if sold, may be redeemed as in other cases. In all suits brought to recover sidewalk assessments, the proceedings therein shall be governed and regulated by the provisions of this act, and also, when not in conflict herewith, by the codes of this state. This act shall be liberally construed to effect the ends of justice and to promote the objects of the

Unpaid assessments, suits for.

Evidence.

Power of court.

Rule of practice.

act. No error, or irregularity, or departure, or difference, in procedure from those specified in this act, which does not cause a substantial loss or detriment to the property owner whose property is assessed, shall affect the legality of the proceedings, or the validity of the lien provided by this act.

Repairs to
sidewalks.

SEC. 12. When any sidewalk constructed on any street, avenue, lane, alley, court or place shall be out of repair or needing reconstruction and in a condition to endanger persons or property passing thereon, or to interfere with the public convenience in the use thereof, it shall be the duty of the superintendent of streets, by notice in writing delivered to the owner of the adjoining premises, or to their agents, personally, or left on the premises, to require the owners or occupants of lots, or portions of lots, fronting on said sidewalk and on the same side of the street where said sidewalk is located, to repair or reconstruct said sidewalk, or to do both, forthwith, and said superintendent of streets shall particularly specify in said notice what work is required to be done and how the same is to be done and what kind of material shall be used in said repairs or reconstruction or both. If said repairs or reconstruction be not commenced within three days after notice given as aforesaid and diligently and without interruption prosecuted to completion, the owners or occupants of said lots having been given notice as aforesaid shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not exceeding two hundred dollars or imprisonment in the city jail not exceeding one hundred days, or both such fine and imprisonment, and the said superintendent of streets may, if said repairs or reconstruction be not commenced within three days after notice given as aforesaid, under authority from the city council, make such repairs or reconstruction, or both, and enter into a contract with any suitable person for that purpose, at the expense of the owner or occupant, after the specifications for doing said work shall have been conspicuously posted by him in his office for two days inviting bids for the doing of said work, which bids shall be delivered to him at his office on or before the second day of said posting and opened by him on the next day following said two days of posting, and the contract shall by him be awarded to the lowest bidder if such lowest bid in the judgment of such street superintendent shall be reasonable. All of such bids shall be preserved in his office and open at all times after the letting of the contract to the inspection of all persons, and the owner or occupant of the lots fronting on said sidewalk and on the same side of the street shall be liable to pay such contract price. Said work of reconstruction or repair shall be commenced within twenty-four hours after the contract shall have been signed and completed without delay to the satisfaction of the said superintendent of streets. Upon the completion of said repairs or reconstruction to the satisfaction of the superintendent of streets, he shall make and deliver to the contractor a certificate to the effect that said repairs or reconstruction have been properly made by

Failure to
repair, a
misdemeanor.

said contractor and that the charges for the same are reasonable and just and that he, the said superintendent of streets, has accepted the same. Said certificate shall describe the property liable for the payment for said repairs or reconstruction and said certificate shall be recorded in a book kept in the office of the superintendent of streets for that purpose and shall constitute a lien on the said property liable for the payment of said repairs or reconstruction. If the expense of such repair or reconstruction after the completion thereof and the delivery by the superintendent of streets to the contractor of said certificate be not paid to the contractor, or his agent or assignee, on demand, the said contractor, or his assignee, shall have the right to sue such owner or occupant of such lands for the amount contracted to be paid and to foreclose and enforce the lien therefor the same as provided herein for foreclosures and enforcements of the liens in other cases.

Property
liable for
repairs.

SEC. 13. In addition to the other remedies herein given and as cumulative thereto the city council shall have power to prescribe the penalties that shall be incurred by any owner or person liable or neglecting or refusing to make repairs or reconstruction of sidewalks when required as provided by this act.

Cumulative powers
of council.

SEC. 14. The person owning the fee or the person in whom on the day the action is commenced appears the legal title to the lots or lands by deeds duly recorded in the county recorder's office of the county, or the person in possession of lands, lots, or portions of lots, or buildings, under claim or exercising acts of ownership over the same for himself, or as executor, administrator, guardian or trustee of the owner, shall be regarded and treated and deemed to be the "owner," according to the intent and meaning of that word as used in this act, and in case of leased property the possession of the tenant or lessee holding and occupying under such persons shall be deemed to be the possession of such owner.

"Owner"
defined.

SEC. 15. Any tenant or lessee of the lands or lots liable for assessment under this act may pay the amount assessed against the property of which he is such tenant or lessee and may deduct the amount so paid from the rents due and to become due from him, and he shall have a lien upon and may retain possession of the lands and lots until the amount so paid by him shall be satisfied with legal interest from accruing rents, or by payment by the owner.

Lessees
and ten-
ants, rights
of.

SEC. 16. The records kept by the superintendent of streets in conformity with the provisions of this act and signed by him shall have the same force and effect as other public records, and copies therefrom duly certified may be used in evidence with the same effect as the originals. Said records shall during all office hours be open to the inspection of any citizen wishing to examine them, free of charge.

Records of
superin-
tendent,
force of.

SEC. 17. Notices in writing, which are required to be given or posted by the superintendent of streets under the provisions of this act, may be served or posted by any person with the permission of the superintendent of streets, or such notices

Notices,
service of.

may be given, served or posted by the superintendent of streets personally. A record of the fact of the giving, service and posting of such notices shall be kept in the office of the superintendent of streets. The superintendent of streets shall keep a public office in some convenient place within the municipality and keep therein such records as may be required by the provisions of this act. The city engineer, or where there is no city engineer the county, or city and county, surveyor shall be the proper officer to do the surveying and other engineering work to be done under this act, and to survey and measure the work to be done under contracts let under this act, and to estimate the costs and expenses thereof and every certificate signed by him in his official character shall be prima facie evidence in all courts of this state of the truth of its contents. He shall keep a record of surveys made under the provisions of this act as in other cases. In any city where there is no city engineer, the city council is hereby authorized to appoint a suitable person to discharge the duties herein laid down as those of city engineer and all the provisions hereof applicable to the city engineer shall apply to such person so appointed. Said city council is hereby empowered to fix his compensation for such services.

Engineering and surveying, by whom done.

Definitions of certain terms.

SEC. 18. One—The term "incidental expenses" as used in this act shall include the compensation of the city engineer for work done by him; also, the cost for posting, printing and advertising as provided in this act; also, the compensation of superintendents for the work. All demands for incidental expenses shall be presented to the superintendent of streets by itemized bill duly verified by oath of the demandant.

Two—The word "municipality" and the word "city" as used in this act shall be understood and construed to include all corporations heretofore organized and now existing and those which may hereafter be organized for municipal purposes.

Three—The word "street" as used in this act shall be deemed to include avenues, highways, lanes, alleys, courts and places.

Four—The terms "street superintendent" and "superintendent of streets" as used in this act shall be construed to include any person or officer whose duty it is under the law to have the care or charge of the streets or the improvement thereof in any city. In any city where there is no street superintendent or superintendent of streets, the city council is hereby authorized to appoint a suitable person to discharge the duties of the superintendent of streets or street superintendent as specified in this act and all provisions hereof applicable to the street superintendent or superintendent of streets shall apply to the person so appointed.

Five—The term "city council" as used in this act is hereby declared to include any body or board which, under the law, is the legislative department of the government of any city.

Six—In municipalities in which there is no mayor the duties imposed upon such officer by the provisions of this act shall be

performed by the president of the board of trustees or other chief executive officer of the municipality.

Seven—The term "clerk" or "city clerk" as used in this act is hereby declared to include any person or officer who shall be clerk of the board which constitutes the legislative department of the government of the city.

SEC. 19. Whenever in the opinion of the city council it shall be convenient or proper so to do, said city council may in its discretion include under any proceedings taken under this act the construction of curbing as well as the construction of sidewalks, or the city council may provide for the construction of curbing without the construction of sidewalks; and all the provisions of this act whenever the city council shall elect to proceed thereunder to provide for the construction of curbing shall apply as fully to all such proceedings and to the work done thereunder and to the assessments made for the expense of the work and to the lien therefor as fully as if this act specifically and particularly related in each instance to the construction of curbing. As to the construction of curbing within municipalities this act shall be construed as a new, distinct and independent method of procedure and assessment from any provided in any act or acts in force at the time this act shall take effect, which method of procedure and assessment so provided by this act may as to the construction of curbing be followed by the city council if it elects so to do. Nothing in this act, however, shall be construed as preventing the construction of curbing and the levy and collection of assessments for the expense thereof under the provisions of "An act to provide for work upon streets, lanes, alleys, places, courts, and sidewalks and for the construction of sewers within municipalities," approved March 18, 1885, and the several acts amendatory thereof and supplemental thereto.

SEC. 20. This act shall be deemed as a repeal of "An act to provide for work upon streets, lanes, alleys, places, courts and sidewalks and for the construction of sewers within municipalities," approved March 18, 1885, and the several acts amendatory thereof and supplemental thereto so far as said act and the several acts amendatory thereof and supplemental thereto relate to sidewalks and the construction thereof, and to the assessments to be made and the enforcement of payments for the expense of the construction of such sidewalks, but as to all other street work and street improvement said act approved March 18, 1885, and the several acts amendatory thereof and supplemental thereto shall not be deemed as repealed, amended or affected by this act.

Curbing
may be
included.

Repeal of
certain
acts.

CHAPTER 116.

An act to amend section 4255 of the Political Code of the State of California relating to the salaries of officers in counties of the twenty-sixth class, and creating the office of deputy district attorney therein.

[Approved March 6, 1909.]

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

SECTION 1. Section 4255 of the Political Code of the State of California is hereby amended to read as follows:

Salaries in
counties of
twenty-
sixth class-
(Kern).

4255. In counties of the twenty-sixth class, the officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, five thousand dollars per annum, and twelve and a half cents for each elector registered.

2. The sheriff, seven thousand dollars per annum. He may retain for his own use the mileage and fees for the service of papers or process issued by any court of this state outside of his county.

3. The recorder, sixteen hundred dollars per annum, seven cents for each folio recorded, and five cents for each name indexed.

4. The auditor, four thousand dollars per annum.

5. The treasurer, four thousand dollars per annum.

6. The tax collector, four thousand dollars per annum.

7. The assessor, five thousand dollars per annum.

8. The district attorney, four thousand dollars per annum.

In counties of this class the district attorney may appoint a deputy district attorney, which office of deputy district attorney is hereby created, at a salary of twelve hundred dollars per annum, the deputy district attorney to hold office at the pleasure of the district attorney.

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

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

11. The superintendent of schools, three thousand dollars per annum (which shall include his services as a member of the board of education) and his actual traveling expenses when visiting schools, not to exceed ten dollars per district.

12. The surveyor shall receive one thousand eight hundred dollars per annum, and traveling and official expenses in the county.

Super-
visors.

13. Each supervisor, six dollars per day while in the service of the county, and thirty cents per mile for traveling from his residence to the county seat.

14. In counties of this class, the township officers shall receive the following compensation, to wit: Township
officers,
salaries of.

In townships having a population of 10,000, or more, justices of the peace shall receive a monthly salary of one hundred and twenty-five dollars per month, and constables a monthly salary of one hundred and twenty-five dollars per month;

In townships having a population of 6,000, or more, and less than 10,000, justices of the peace shall receive a monthly salary of one hundred dollars per month, and constables a monthly salary of one hundred dollars per month;

In townships having a population of 2185, or more, and less than 6000, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of sixty dollars per month;

In townships having a population of 1770, or more, and less than 2190, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of seventy-five dollars;

In townships having a population of 1600, or more, and less than 1770, justices of the peace shall receive a monthly salary of ten dollars per month, and constables a monthly salary of twenty dollars per month;

In townships having a population of 1420, or more, and less than 1600, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of sixty dollars per month;

In townships having a population of 1315, or more, and less than 1440, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of sixty dollars per month;

In townships having a population of 1290, or more, and less than 1315, justices of the peace shall receive a monthly salary of eighty dollars per month, and constables a monthly salary of ninety dollars per month;

In townships having a population of 1280, or more, and less than 1300, justices of the peace shall receive a monthly salary of ninety-five dollars per month, and constables a monthly salary of one hundred dollars per month;

In townships having a population of 1045, or more, and less than 1280, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of sixty dollars per month;

In townships having a population of 910, or more, and less than 1045, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of sixty dollars per month;

In townships having a population of 675, or more, and less than 925, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month;

In townships having a population of 545, or more, and less than 675, justices of the peace shall receive a monthly salary

of twenty dollars per month, and constables a monthly salary of thirty dollars per month;

In townships having a population of 200, or more, and less than 545, justices of the peace shall receive a monthly salary of ten dollars per month, and constables a monthly salary of ten dollars per month;

In townships having a population of 155, or more, and less than 200, justices of the peace shall receive a monthly salary of ten dollars per month, and constables a monthly salary of fifteen dollars per month.

Further compensation of township officers.

The above salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that each constable shall be allowed and paid out of the county treasury for transporting prisoners to the county jail, the actual expenses of such transportation; *and provided further*, that the board of supervisors shall allow to each constable his necessary expenses for traveling, when in pursuit of criminals, or transacting any criminal business; said justices of the peace and constables may retain for their own use, the fees allowed by law in civil cases; *and provided further*, that for the purpose of this section, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last preceding presidential election by five.

Population how determined.

Salaries how paid.

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

This act shall be in full force and effect from and after its passage.

CHAPTER 117.

An act to amend section 4263 of the Political Code of California, relating to the compensation of officers in counties of the thirty-fourth class.

[Approved March 6, 1909.]

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

SECTION 1. Section 4263 of the Political Code of California as amended in 1907 is hereby amended to read as follows:

Salaries in counties of thirty-fourth class (Two-line).

4263. In counties of the thirty-fourth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, two thousand four hundred dollars per annum, and during each year in which a general election is held throughout the state he shall in addition to said salary

receive each month for the months of August, September, October and November, one hundred dollars, and the same shall be so paid from the same fund as other salaries are paid.

2. The sheriff, four thousand dollars per annum, and the fees, mileage and commissions for the service of all papers issued by any court of the state outside of this county. Also his actual traveling expenses in the execution of a warrant outside of his county issued by a magistrate or court of his county.

3. The recorder, one thousand five hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees collected shall amount to more than one hundred and twenty-five dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, all fees in excess of one hundred and twenty-five dollars, and not exceeding one hundred and seventy-five dollars, in any month so collected; so that the amount of fees thus received by the recorder for his own use, plus the salary, shall not exceed the sum of one hundred and seventy-five dollars in any one month.

4. The auditor, one thousand dollars per annum.

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

6. The tax collector, one thousand two hundred dollars per annum, and ten per cent of all licenses collected by him.

7. The assessor, twenty-six hundred dollars per annum; *provided*, that in counties of this class there shall be one deputy assessor, who shall be appointed by the assessor of said county and who shall hold office from twelve o'clock meridian of the first Monday of March of each year up to twelve o'clock meridian of the first Monday in July of each year. The salary of said deputy assessor herein provided for is hereby fixed at the sum of one hundred dollars per month during which months he shall hold office as herein provided, which said salary shall be paid by said county at the same time and in the same manner and out of the same fund as is the salary of the assessor.

8. The district attorney, fifteen hundred dollars per annum.

9. The coroner, six hundred dollars per annum.

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

11. The superintendent of schools, one thousand dollars per annum, and actual traveling expenses while visiting the schools of his county.

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

Supervisors.

13. Supervisors, each the sum of nine hundred dollars per annum for all services performed by them, as supervisors, and members of the board of equalization and road commissioners; *provided*, that each supervisor shall receive ten cents for each mile traveled by the ordinary route, in going from his residence to the county seat and returning, once during each month.

Townships, classification of.

14. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population as shown by the federal census of 1900; townships having a population of two thousand four hundred and not over four thousand shall be classified as townships of the first class, and townships having a population of less than two thousand four hundred shall belong to and be known as townships of the second class.

Justices of the peace, salaries of.

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

Constables, salaries of.

16. Constables in counties of this class shall receive the following monthly salaries to be paid each month out of the same fund and at the same time as the county officers are paid, which sum shall be in full compensation for all services rendered by them in criminal cases, the same to include all costs of transportation of all prisoners within the county, to wit: Constables in townships of the first class shall receive a monthly salary of seventy-five dollars per month, and constables of townships of the second class shall receive a monthly salary of sixty dollars per month. *Provided further*, that when any constable is required to serve a warrant of arrest or any other paper in a criminal case he shall be allowed mileage both going and coming, at the rate of ten cents per mile, but shall not be allowed any sum for any other expenses.

Mileage.

Official reporter, compensation of.

17. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, such fees as are now or may be hereafter provided by law; said compensation for per diem and transcription in criminal cases to be audited and allowed upon a written order of the court, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Jurors, per diem and mileage of.

Jurors' and witness fees, in criminal cases, shall be as follows:

18. For attending as a grand juror or a trial juror in the superior court, in criminal cases only, for each day's attend-

ance, per day, three dollars; for each mile actually traveled in attending court as such juror under summons or under order of court, in criminal cases, in going only, per mile, twenty-five cents and the county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror, and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

Witness fees shall be as follows:

19. For each day's actual attendance, when legally required to attend upon the superior court, per day, one dollar and fifty cents in criminal cases. Mileage actually traveled, one way only, per mile, ten cents; *provided, however*, that such per diem and mileage shall only be allowed on a showing to the court, by the witness, that he is in indigent circumstances and is unable to bear the expense incident to attending court, while required so to do, and that such per diem and mileage are necessary for the expenses of the witness in attending; and the court shall determine the necessity of the same, and shall then make an order directing the auditor to draw his warrant on the county treasurer for the amount allowed, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed.

Witnesses,
per diem
and
mileage of.

CHAPTER 118

An act to amend sections 2322, 2322a, 2322b, 2322c, 2322d, and 2322e of the Political Code, relating to county boards of horticulture.

[Approved March 6, 1900.]

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

SECTION 1. Section 2322 of the Political Code of the State of California is hereby amended to read as follows:

2322. Whenever a petition is presented to the board of supervisors of any county, and signed by twenty-five or more persons each of whom is a resident freeholder and possessor of an orchard, stating that certain or all orchards, or nurseries or trees or plants of any variety are infested with any serious infectious diseases, or scale insects of any kind injurious to fruit, fruit trees, vines, or other plants or vegetables, or that there is growing therein the Russian thistle or saltwort (*Salsola kali*, variety *ragus*), Johnson grass (*Sorghum halcense*) or other noxious weeds, codling moth or other insects that are destructive to trees; and praying that a commissioner be appointed by them, whose duty it shall be to supervise the destruction of said scale insects, diseases or Russian thistle or

County
horticul-
tural com-
missioner,
appoint-
ment of.

saltwort, Johnson grass or other noxious weeds as herein provided, the board of supervisors shall, within twenty days thereafter, appoint a county horticultural commissioner whose term of office shall be four years and until his successor shall be appointed and qualified and who shall give a bond in the sum of one thousand dollars conditioned for the faithful performance of his duties. In any case where such petition has already been presented or submitted, or is on file at the time of the passage of this act, as the basis for the appointment of a board of horticultural commissioners under this chapter as heretofore existing, such petition shall continue in full force and effect and the board of supervisors of any county with which any such petition has been filed, or in which any board of horticultural commissioners has heretofore existed, must appoint a county horticultural commissioner. The person appointed to such position must be specially qualified for his duties and must be chosen and appointed by the board of supervisors from a list of resident citizens of the county, which has been recommended and nominated to said board as hereinafter provided, such appointment to be made within twenty days after receipt of said list by said board of supervisors. A state board of horticultural examiners is hereby created consisting of three persons who shall be owners of orchard or vineyard property, or actively engaged in horticultural or viticultural production, or educated and trained in horticultural or viticultural science, who shall serve without pay, and which board shall provide convenient means for the examination of candidates for appointment as horticultural commissioner. Said board of examiners shall be appointed by the governor and shall hold office for the term of four years and until their successors are appointed and qualified. Vacancies in said board of examiners shall be filled by appointment by the governor, the appointee to hold for the remainder of the unexpired term. Said board shall appoint one of their number treasurer, who shall receive all money collected by or for the board, and disburse the same only in payment of the actual necessary expenses of said board for traveling, printing, postage, and other incidental matters. Said board shall biennially report to the governor a detailed statement of their receipts and disbursements. Thirty days before the date of the examination of candidates for the said appointments the state board of horticultural examiners shall publish, or post notices of the time and place at which such examination shall be held, setting forth the conditions and subjects of said examinations, such publication or posting to be for such time and in such manner in the county for which such examination is to be had, as the state board of horticultural examiners in their judgment may deem advisable. At the time and place stated and agreed upon such examination shall be held. Said examination shall be in writing, and the board of horticultural examiners may appoint one of their own number, or some other reliable and competent person to supervise the taking of such examination

Term of office.

Qualifications of appointee.

State board of horticultural examiners, creation of.

Examination of candidates for appointment.

in each county and forward the papers of each applicant to the board for consideration. Each applicant for examination shall before taking the examination be required to pay a fee of five dollars therefor, which shall be delivered to the person supervising the examination and by him transmitted to the treasurer of said board. Within twenty days after the examination is held said examiners shall certify to the board of supervisors of the county for which the examination was had the names of such of the persons examined as they deem competent and qualified for such office, and from the list of names so certified the supervisors shall appoint a horticultural commissioner. As far as possible the board of horticultural examiners shall consult the resident fruit growers of the county in determining the responsibility and moral qualifications of candidates for appointment as commissioners and whose names they certify to the boards of supervisors of the several counties. If no persons present themselves for examination before said state board of horticultural examiners or if after such examination no persons are found qualified, the state board of horticultural examiners shall name five residents of the county, who shall be practical fruit growers, and certify them to the board of supervisors, and from these names the board of supervisors shall appoint a county horticultural commissioner. In case of a vacancy in the office of horticultural commissioner, the vacancy shall be filled from the list of eligibles certified to the board of supervisors under the provision of this act. Whenever from any cause the number of persons eligible and certified to any board of supervisors, from which to select and appoint a county horticultural commissioner, is or becomes less than five, the state board of horticultural examiners shall proceed to certify or recommend the names of additional persons as hereinabove provided. Whenever elsewhere in the laws of this state reference is made to a county board of horticulture, such reference must be understood to mean and relate to the county horticultural commissioner herein provided for and said county board of horticulture and the members thereof shall cease to exist as such; *provided*, that all county boards of horticulture existing at the time of the passage of this act shall continue in office, with full power as heretofore existing until the election or appointment to succeed them, of a county horticultural commissioner under the provisions of this act. Upon the petition of twenty-five resident freeholders and possessors of an orchard the board of supervisors may remove said commissioner for cause, after a hearing of the petition. In case of such removal upon such hearing, the board shall immediately proceed to fill said office, for the unexpired term, as in cases of an original appointment.

SEC. 2. Section 2322a of the Political Code of the State of California is hereby amended to read as follows:

2322a. It shall be the duty of the county horticultural commissioner in each county, whenever he shall deem it necessary, to cause an inspection to be made of any premises, orchards

Fee of applicant.

Certificate of supervisors.

County boards of horticulture superseded.

Removal of commissioner.

Duty of commissioner.

Notice to
owners to
destroy
pests.

Service of
notice.

Public
nuisances,
what are.

Expense of
abating,
how paid.

or nursery, or trees, plants, vegetables, vines, or fruits, or any fruit-packing house, storeroom, salesroom, or any other place or article in his jurisdiction, and if found infested with infectious diseases, scale insects, or codling moth, or other pests injurious to fruit, plants, vegetables, trees, or vines, or with their eggs, or larvæ, or if there is found growing thereon the Russian thistle or saltwort, Johnson grass or other noxious weeds, he shall in writing notify the owner or owners, or person or persons in charge, or in possession of the said places or orchards or nurseries, or trees, or plants, vegetables, vines, or fruit, or article as aforesaid, that the same are infested with said diseases, insects, or other pests, or any of them, or their eggs or larvæ, or that the Russian thistle or saltwort, Johnson grass or other noxious weeds is growing thereon, and require such person or persons, to eradicate or destroy the said insects, or other pests, or their eggs or larvæ, or Russian thistle or saltwort, Johnson grass or other noxious weeds within a certain time to be therein specified. Said notices may be served upon the person or persons, or either of them, owning or having charge, or having possession of such infested place or orchard, or nursery, or trees, plants, vegetables, vines, or fruit, or articles, as aforesaid, or premises where the Russian thistle or saltwort, Johnson grass or other noxious weeds shall be growing, or upon the agents of either, by any commissioner, or by any person deputed by the said commissioner for that purpose in the same manner as a summons in a civil action; *provided, however*, that if any such infested or infested articles, property or premises as hereinabove specified belong to any non-resident person and there is no person in control or possession thereof and such non-resident person has no tenant, bailee, depositary or agent upon whom service can be had; or if the owner or owners of any such articles, property or premises can not after due diligence be found, then such notice may be served by posting the same in some conspicuous place upon such articles, property or premises, and by mailing a copy thereof to the owner thereof at his last known place of residence, if the same is known or can be ascertained. Any and all such places, or orchards, or nurseries, or trees, plants, shrubs, vegetables, vines, fruit, or articles thus infested, or premises where the Russian thistle or saltwort or Johnson grass or other noxious weeds shall be growing, are hereby adjudged and declared to be a public nuisance: and whenever any such nuisance shall exist at any place within his county, and the proper notice thereof shall have been served, as herein provided, and such nuisance shall not have been abated within the time specified in such notice, it shall be the duty of the county horticultural commissioner to cause said nuisance to be at once abated, by eradicating or destroying said diseases, insects, or other pests, or their eggs, or larvæ, or Russian thistle or saltwort or Johnson grass or other noxious weeds. The expense thereof shall be a county charge, and the board of supervisors shall

allow and pay the same out of the general fund of the county. Any and all sum or sums so paid shall be and become a lien on the property and premises from which said nuisance has been removed or abated in pursuance of this chapter. A notice of such lien shall be filed and recorded in the office of the county recorder of the county in which the said property and premises are situated, within thirty days after the right to the said lien has accrued. An action to foreclose such lien shall be commenced within ninety days after the filing and recording of said notice of lien, which action shall be brought in the proper court by the district attorney of the county in the name and for the benefit of the county making such payment or payments, and when the property is sold, enough of the proceeds shall be paid into the county treasury of such county to satisfy the lien and costs; and the overplus, if any there be, shall be paid to the owner of the property, if he be known, and if not, into the court for his use when ascertained. The county horticultural commissioner is hereby vested with the power to cause any and all such nuisances to be at once abated in a summary manner.

SEC. 3. Section 2322*b* of the Political Code of the State of California is hereby amended to read as follows:

Inspection districts.

2322*b*. Said county horticultural commissioner shall have power to divide the county into districts, and to appoint a local inspector, to hold office at the pleasure of the commissioner, for each of said districts, and may with the consent and approval of the board of supervisors, appoint two deputy horticultural commissioners from the list of names certified to the board of supervisors by the state board of horticultural examiners. The state commissioner of horticulture may issue commissions as quarantine guardians to said county horticultural commissioner and to the local inspectors appointed by him. The said quarantine guardians, local inspectors, or said county horticultural commissioner, have full authority to enter into any orchard, nursery, place or places where trees or plants are kept and offered for sale or otherwise, or any house, store-room, salesroom, depot, or any other such place in their jurisdiction, to inspect the same, or any part thereof.

Quarantine guardians.

SEC. 4. Section 2322*c* of the Political Code of the State of California is hereby amended to read as follows:

Record of official doings.

2322*c*. It is the duty of said county horticultural commissioner to keep a record of its official doing, and to make a report to the state board of horticulture, on or before the first day of October of each year, of the condition of the fruit interests in their several districts, what is being done to eradicate insect pests, also as to disinfecting, and as to quarantine against insect pests and diseases, and as to carrying out all laws relative to the greatest good of the fruit interest. Such board may publish such reports in bulletin form, or may incorporate so much of the same in its annual reports as may be of general interest.

SEC. 5. Section 2322*d* of the Political Code of the State of California is hereby amended to read as follows:

Compensation of commissioners.

2322*d*. The salary of all inspectors working under the county horticultural commissioner is three dollars and fifty cents per day. The deputy commissioners shall receive five dollars per day each, during the time actually employed as such officers. In the case of the commissioner himself his compensation shall be six dollars per day, when actually engaged in the performance of his duties, and necessary traveling expenses incurred in the discharge of his regular duties as prescribed in this chapter.

SEC. 6. Section 2322*e* of the Political Code of the State of California is hereby amended to read as follows:

Report to supervisors.

2322*e*. It is the duty of the county horticultural commissioner to keep a record of his official doings, and make a monthly report to the board of supervisors; and the board of supervisors may withhold warrants for salaries of said commissioner and his deputies and inspectors until such time as such report is made.

SEC. 7. This act shall take effect immediately.

CHAPTER 119.

An act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

[Approved March 6, 1900.]

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

Cereal culture, discovering improved methods of.

SECTION 1. The governor of the State of California is hereby directed, and it is hereby made his duty to cause to be made under the supervision and direction of the director of the agricultural experiment station of the University of California, such investigations and experiments as he may deem best for the purpose of discovering and making known such improved methods of cereal culture in the State of California as will increase the yield of cereals in said state, and increase the percentage of gluten in said cereals, or otherwise improve the quality thereof. The said governor shall have the exclusive charge and control of all moneys appropriated hereby, to be used in employing such expert and scientific assistants as he may deem necessary, and for the paying of the expenses of carrying on the experiments herein provided for. He shall from time to time publish the results of such experimental and investigational work as may have been done, for general distribution.

Appropriation.

SEC. 2. The sum of twelve thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be

paid to the governor to be used for the purpose of this act, one half thereof to be expended during the sixty-first fiscal year, and one half thereof to be expended during the sixty-second fiscal year, and the controller is hereby directed to draw his warrant on the general fund from time to time for such proportion of said sum of twelve thousand dollars, and in favor of such persons as the governor shall direct; and the state treasurer is hereby empowered and directed to pay the same.

SEC. 3. This act is exempted from the provisions of section six hundred and seventy-two of the Political Code. Exemption.

SEC. 4. This act shall take effect and be in force from and after the date of its passage.

CHAPTER 120.

An act to regulate and license the conducting and operating of employment agencies and to provide a revenue therefrom, for the enforcement of the provisions of this act and other acts relating to employment agents and employment agencies.

[Approved March 6, 1900.]

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

SECTION 1. Any business, pursued for profit, for furnishing directly or indirectly, to persons seeking employment, information enabling, or tending to enable such persons to secure such employment, or registering for any fee, charge, or commission, the names of any persons seeking employment as aforesaid, shall be deemed to be an employment agency within the meaning of this act. Employment agency defined.

SEC. 2. Every person, firm, corporation or association who conducts or operates an employment agency in the State of California, without first procuring a license therefor, as provided in this act, is guilty of a misdemeanor. License, requirement for.

SEC. 3. Licenses granting the privilege to conduct or operate employment agencies shall be issued and delivered upon application, by the commissioner of the bureau of labor statistics, which license shall contain the name of the person, firm, corporation or association, seeking to conduct or operate an employment agency, and the exact location of the employment agency. How issued.

SEC. 4. The licenses herein provided for shall be issued as follows: To any person, firm, corporation or association, conducting or operating, or seeking to conduct or operate, an employment agency Fees for.

1. In cities of the first, first and one-half and second classes upon payment of fifty dollars.

2. In cities of the third and fourth classes, upon payment of twenty-five dollars.

3. In all other cities and towns, upon payment of six dollars.

Names of agents must be given.

SEC. 5. Every person, firm, corporation or association applying for and procuring a license as herein provided, shall give to the commissioner of the bureau of labor statistics, the name and resident address of such person, or the names and resident addresses of the partners of such firms, or the names and resident addresses of the officers and directors of such corporations or associations, and the city or town, street and number where the employment agency is conducted or operated, or sought to be conducted and operated.

Term of license.

SEC. 6. All licenses issued as herein provided shall be valid, and shall authorize the person, firm, corporation or association to whom issued, to conduct or operate an employment agency on and from the date of issuing to the thirty-first day of March following, but no license shall continue in force for a longer period than one year.

Disposition of fees and fines.

SEC. 7. All moneys collected for licenses as provided herein, and all fines collected for violation of the provisions hereof, shall be paid into the state treasury and credited to the contingent fund of the bureau of labor statistics.

Branch agencies, separate licenses required for.

SEC. 8. Every person, firm, corporation or association conducting or operating, or seeking to conduct or operate branch employment agencies in the same or different localities must procure a separate license for such branch employment agencies; and no license issued as herein provided shall be transferable or used by any other person, firm, corporation or association than the one to whom it was issued, or used in a different location than the one for which it was issued, without the written consent of the commissioner of the bureau of labor statistics.

Must be posted.

SEC. 9. All licenses issued as herein provided, shall be posted in a conspicuous place, and any person, firm, corporation or association having such license and who refuses to exhibit the same upon demand of any officer or agent of the bureau of labor statistics, or any peace officer of the state, shall be guilty of a misdemeanor; and any person, firm, corporation or association lawfully having such licenses, and who transfers or disposes of the same to another person, firm, corporation or association to be used as an employment agency license, shall forfeit the same.

Penal clause.

SEC. 10. Every person, firm, corporation or association violating any of the provisions of this act, shall upon conviction thereof, be guilty of a misdemeanor.

Revocation of license.

SEC. 11. Upon conviction, of any person, firm, corporation or association for the violation of any of the provisions of this act, or an act entitled, "An act defining the duties and liabilities of employment agents, making the violation thereof

a misdemeanor, and fixing the penalties therefor," approved February 12, 1903, the commissioner of the bureau of labor statistics shall have the right to revoke all licenses issued to such person, firm, corporation or association, enabling them to conduct or operate an employment agency.

SEC. 12. Nothing in this act shall be construed to prevent the collection of any tax or license by any county or municipal authority. Municipal taxes.

SEC. 13. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 14. This act shall take effect and be in force on and after April first, 1909.

CHAPTER 121.

An act to amend an act entitled "An act to establish a Code of Civil Procedure," approved March 11, 1872, by amending section six hundred twenty-five of said Code of Civil Procedure, relating to verdicts of juries.

[Approved March 6, 1909.]

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

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

625. In an action for the recovery of money only, or specific real property, the jury, in their discretion, may render a general or special verdict. In all other cases the court may direct the jury to find a special verdict in writing, upon all, or any of the issues, and in all cases may instruct them, if they render a general verdict, to find upon particular questions of fact, to be stated in writing, and may direct a written finding thereon. The special verdict or finding must be filed with the clerk and entered upon the minutes. Where a special finding of facts is inconsistent with the general verdict, the former controls the latter, and the court must give judgment accordingly. Verdicts of juries.

CHAPTER 122.

An act to amend sections 3553 and 3555 of an act entitled "An act to establish a Political Code," approved March 12, 1872, relating to proceedings against delinquent purchasers of state school lands and costs and attorney's fees in such proceedings.

[Approved March 6, 1909.]

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

SECTION 1. Section 3553 of the Political Code of the State of California is hereby amended so as to read as follows:

Fees of
district
attorney.

3553. The district attorney is entitled to receive and retain for his own use fifteen dollars for each suit brought, to be taxed as costs, the provisions of any other section of this code to the contrary notwithstanding.

SEC. 2. Section 3555 of the Political Code of the State of California is hereby amended so as to read as follows:

Judgment
and costs,
how paid.

3555. Upon the rendition of a judgment foreclosing the interest of the purchaser or of his assigns in the land and annulling the certificate of purchase, judgment for costs must be entered against the defendant; but if execution issued thereon is returned not satisfied, the judgment and costs must be paid from the total principal or interest paid by the purchaser upon the original location, and if such paid-in principal and interest are insufficient, the balance of said judgment and costs must be audited and paid from the general fund of the state treasury.

CHAPTER 123.

An act to amend sections one, two, and three of an act entitled "An act to provide for the formation, organization, and classification of new counties, for locating county seats, for the election and appointment of officers and for the adjustment and the fulfillment of the rights and obligations arising between such new counties and other counties," approved March 15, 1907.

[Approved March 8, 1909.]

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

SECTION 1. Section one of an act entitled "An Act to provide for the formation, organization and classification of new counties, for locating the county seat, for the election and appointment of officers, and for the adjustment and the fulfillment of the rights and obligations arising between such new

counties and other counties," approved March 15, 1907, is hereby amended to read as follows:

Section 1. New counties may from time to time be formed and created in this state from portions of one or more counties already in existence in the manner set forth in this act; *provided, however*, that no new county shall be established which will reduce any county to a population of less than 20,000, nor shall any new county be formed containing a population less than 10,000, nor shall any line of such new county pass within five miles of a county seat of any county proposed to be divided. In every case where the county seat of a county sought to be divided is situated at or within the boundary of any incorporated town or city, such county seat shall for the purposes of this act, be held to include and to be coterminous with the territory included within the boundaries of the incorporated town or city whereat or wherein the county seat of the county sought to be divided is situated, as such boundaries are legally fixed and determined at a date of the filing of the petition or petitions referred to in section two of this act; nor shall any new county be formed which shall reduce to less than twelve hundred square miles the area of any existing county from which territory is taken to form such new county. Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken, to be determined as hereinafter provided.

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

Section 2. Whenever it is desired to divide any county or counties then existing and form a new county out of a portion of the territory of such then existing county or counties, a petition shall be presented to the board of supervisors of the county from which said new county is to be formed in case said county is to be formed from but one county, or to the board of supervisors of the county from which the largest area of territory is proposed to be taken for the formation of such new county in case said new county is to be formed from portions of two or more existing counties. Such petition shall be signed by at least sixty-five per cent. of the qualified electors residing within the designated boundaries of the proposed new county as set forth in said petition, and not less than fifty per cent. of the qualified electors residing within the county or counties out of which the proposed new county is to be carved. A qualified elector, within the meaning of this act, is one whose name appears on the great register or registers used at the general election held in the county or counties last preceding the presentation of said petition to the board of supervisors as herein provided. In cases where the proposed new county is to be formed from portions of two or more existing counties, separate petitions shall be presented from each county and each of said separate petitions shall be signed

Creation
of new
counties.

Restrictions.

Existing
debts
liability
for.

Petition
for forma-
tion.

Number of
signers
required.

by at least sixty-five per cent. of the qualified electors residing within each part or portion of each county out of which it is proposed to form the new county, and by not less than fifty per cent of the qualified electors residing in each of the counties out of which the proposed new county is to be carved. Such signatures need not be affixed to one paper, but may be signed to several petitions, but each must be identical in form, and when so signed the several petitions may be fastened together and shall be treated and presented as one petition.

What petition shall contain.

Such petition or petitions shall contain:

“A particular description of the boundaries of the proposed new county to be formed; and a statement that no line thereof passes within five miles of the county seat of any county proposed to be divided;

“A statement of the population in such proposed county, as near as may be;

“A statement of the population remaining in the county or each of the counties from which such new county is to be established, as near as may be;

“A statement of the area in square miles which will remain in the county or counties from which territory is taken to form such new county, after such new county is formed;

“The name of the proposed new county;

“A prayer that such proposed new county be organized into a new county under the provisions of this act.”

Affidavit to petition.

There shall be attached to and filed with said petition or petitions the affidavits of three qualified electors and taxpayers within each county sought to be divided to the effect that they have read said petition or petitions and examined the signatures affixed thereto and that they believe that the statements therein are true and that it is signed by at least sixty-five per cent. of the qualified electors of the proposed new county, or of the proposed portion thereof taken from each existing county, where the proposed new county is to be formed from portions of two or more existing counties, and by not less than fifty per cent. of the qualified electors of the entire county out of which a new county is to be carved, and if the proposed new county is to be formed from two or more counties, than that it is signed by not less than fifty per cent. of the qualified electors of each county out of which it is proposed to form said new county; that the signatures affixed thereto are genuine, and that each of such persons so signing was a qualified elector of such county therein sought to be divided, at the date of such signing.

Verification prima facie true.

Such petition or petitions so verified, and the verification thereof shall be accepted in all proceedings permitted or provided for in this act, as prima facie evidence of the truth of the matters and facts therein set forth.

Hearing, fixing date for.

Upon the filing of such petition or petitions and affidavit with the clerk of the said board of supervisors said board shall forthwith fix a date to hear the proof of the said petitioners and of any opponents thereto, which date must not be less

than thirty nor more than forty days, subsequent to the filing of such petition with the clerk of said board.

Said board of supervisors shall also at the same time designate a newspaper of general circulation published in the old county or each of the old counties, but not within the proposed new county, and also a newspaper of general circulation published within the boundaries of the proposed new county, if there be such, in which the said board shall order and cause to be published at least once a week for two weeks next preceding the date fixed for such hearing, a notice in substantially the following form:

Publica-
tion of
notice.

NOTICE.

Notice is hereby given that a petition has been presented to the board of supervisors of.....county (naming county represented by the board of supervisors with which said petition was filed) praying for the formation of a new county out of a portion of the said.....county and.....county (naming the county or counties out of which it is proposed to form the new county), and that said petition will be heard by the said board of supervisors at its place of meeting (designating the city or town and the day and hour of the meeting so to be held) when and where all persons interested therein may appear and oppose the granting of said petition and make any objection thereto.

Form of
notice.

Dated.....

By order of the board of supervisors, of.....county.

Bychairman.

Attest:

..... county clerk.

Said petitioners shall on or before the date fixed for said hearing, or on or before the date to which said hearing may have been adjourned, file with the said board of supervisors a bond to be approved by said board, in such amount as the said board shall designate, but not exceeding ten thousand dollars, payable to the county in which said petition is filed, conditioned that the obligors named in said bond will pay to said county all expenses incurred in the proceedings and elections provided for in this act, not exceeding the amount specified in said bond, in the event that at the election herein provided for the percentages of votes required by the provisions of this act to form a new county are not cast in favor of the formation of such new county.

Bond of
petition-
ers.

At the time so fixed for said hearing the board of supervisors shall proceed to hear the petitioners and any opponents, and may adjourn such hearing from time to time, not exceeding fourteen days in all, and shall receive the proofs offered to establish or controvert the facts set forth in said petition or petitions, and on the final hearing of such petition or petitions said board shall by resolution entered on its minutes determine:

Hearing,
and what
super-
visors
shall
determine.

1st. The boundaries of the proposed new county, and the boundaries so determined by said board of supervisors shall be the boundaries of such proposed new county if it be created as herein provided.

2nd. Whether the said petition contains the genuine signatures of at least sixty-five per cent. of the qualified electors of the proposed new county, and of fifty per cent. of the qualified electors residing within the county out of which the new county is to be carved as herein required, and in cases where said separate petitions are presented from portions of two or more counties, as herein required, whether each petition is signed by not less than sixty-five per cent. of the qualified electors residing within that part or portion of each county out of which it is proposed to carve a new county and not less than fifty per cent. of the qualified electors of each of the existing counties out of which it is proposed to form a new county, as herein provided.

3rd. Whether the establishing of the proposed new county will reduce the population of any county proposed to be divided to less than twenty thousand.

4th. Whether the proposed new county will contain a population of at least ten thousand.

5th. Whether any line of the proposed new county passes within five miles of the county seat of any county proposed to be divided.

6th. Whether the area of any existing county from which territory is taken to form such new county will be reduced to less than twelve hundred square miles by taking the territory proposed to be taken therefrom to form such new county.

7th. The class to which said proposed new county after its creation, shall belong, and the name of said proposed new county as herein provided.

Determining population.

In determining the population of the proposed new county and the population remaining in any county proposed to be divided after such division, the board of supervisors shall assume that such population is five times the number of names of qualified electors recorded on the great register at the date when said petition is filed in each of the counties proposed to be divided, as residents in the territory of which the population is required to be determined.

Board may exclude territory.

On the final hearing said board of supervisors must, upon petition of not less than fifty per cent. of the qualified electors of any territory lying within said proposed new county and contiguous to the boundary line thereof, and lying entirely within a single old county, and described in said petition, asking that said territory be not included within the proposed new county, make such changes in the proposed boundaries as will exclude such territory from such new county, and shall establish and define such boundaries; *provided* that any changes made by said board shall not reduce the population of the proposed new county to less than ten thousand; petitions for exclusion shall be disposed of in the order in

Petitions for exclusion.

point of time in which they are filed with the clerk of the board of supervisors and on final determination of boundaries no changes in the boundaries originally proposed shall be made except as prayed for in said petition or petitions or to correct clerical errors or uncertainties.

When the proposed new county is to be formed from two or more existing counties, the board of supervisors with which said petition shall have been filed, shall upon the adoption of a resolution provided for in this section, cause a certified copy of such resolution to be filed with the board of supervisors of each county out of which it is proposed to carve territory to constitute the new county.

Copy of
petition to
be filed in
each
county.

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

Section 3. If the said board of supervisors determine that the formation of the said proposed new county will not reduce the population of any county proposed to be divided to less than 20,000, nor the area thereof to less than twelve hundred square miles, and that the proposed new county contains a population of at least 10,000, and that no line of said proposed new county passes within five miles of the county seat of any county proposed to be divided, and that the said petition contains the genuine signatures of at least sixty-five per cent. of the qualified electors residing in the territory defined by the boundaries of the proposed new county, and fifty per cent. of the qualified electors residing within the existing county, when the proposed new county is to be formed from territory of only one county; but when said proposed new county is to be formed from territory of two or more counties and separate petitions are presented, then that said petitions contain the genuine signatures of at least sixty-five per cent. of the qualified electors residing within that part or portion of each of the existing counties out of which it is proposed to create a new county, and not less than fifty per cent. of the qualified electors of each of the existing counties from which the new county is to be carved, then said board of supervisors shall divide the proposed new county into a convenient number of judicial townships, road and school districts, and define their boundaries and designate the names of said districts and each of them; they shall also divide the proposed new county into five supervisorial districts to contain as nearly as practicable an equal population, and number said districts; they shall also, if necessary for the purposes of the election hereinafter provided for, change the boundaries of the election precincts in said old county or counties to make the same conform to the boundaries of the proposed new county; *provided* that the boundary lines of no such precinct shall extend beyond the boundary lines of the existing county in which it is located and from which the territory is proposed to be taken; and said board shall appoint the election officers to act at said election and to be paid by said board. Within two weeks after its determination of the truth of the allegations of said

Determi-
nation of
supervis-
ors.

Division
into town-
ships, etc.

Notice of election on proposition.

petition as aforesaid, the said board of supervisors shall order and give proclamation and notice of an election to be held in the county in which said petition is filed on a specified day not less than sixty days nor more than ninety days thereafter, for the purpose of determining whether such territory described in the petition shall be established and organized into a new county. When the petition calls for the organization of a new county out of territory of two or more existing counties, a certified copy of such election proclamation and notice shall be immediately mailed to the board of supervisors of each county from the territory of which a part of the proposed new county is taken. Within two weeks after the receipt of said certified copy each board of supervisors receiving same shall issue a like proclamation and notice of an election to be held on the same specified day for the purpose of determining whether said territory shall be established and organized into a new county.

Notice of election of officers.

At the same time that the board of supervisors before which the petition for the organization of a new county is pending issues a proclamation and notice of election for the purpose of determining whether such county shall be established and organized into a new county, it shall issue a proclamation and notice of an election to be held on the same day in the territory which is proposed to be taken for the new county for the election of officers and the location of the county seat therefor in the event that the vote at the election called in the county or counties out of which the new county is to be carved shall be in favor of establishing and organizing the said new county.

Who entitled to vote.

All qualified electors of the county or counties from which territory is taken to form such proposed new county and who shall have been such qualified electors ninety days prior to date of such election, shall be entitled to vote at such election to determine whether or not such territory shall be established and organized into a new county, and all qualified electors resident within the territory included within the boundary lines of the proposed new county as established by the board of supervisors and who are qualified electors of the county or counties from which territory is taken to form such proposed new county and who shall have been such resident qualified electors ninety days prior to date of said election, shall be entitled to a vote at said election for the election of officers and the location of a county seat therefor. Registration and transfers of registration shall be made and shall close in the manner and at a time provided by law for registration and transfers of registration for a general election in the State of California.

Publication of proclamation.

Such proclamation and notice of election to determine whether such county shall be established and organized into a new county shall be published in each county territorially affected by the proposed organization at least once a week for three weeks before the holding of such election, in some newspaper of general circulation published in the county or counties

out of which it is proposed to take territory for the organization of such new county. Such proclamation and notice shall require the voters to cast ballots which shall contain the words "For the new county of (giving name of the proposed new county) Yes," and "For the new county of (giving name of the proposed new county) No," and each voter desiring to vote for the establishment and organization of said new county shall stamp a cross (X) opposite the words "For the new county of _____ Yes," and each voter desiring to vote against the establishment and organization of said new county shall stamp a cross (X) opposite the words "For the new county of _____ No," in the manner now required by law in other elections. Ballots.

The board of supervisors before whom the petition for the organization of the new county is pending, shall also issue an election proclamation and notice for the election of officers and the locating of a county seat, which election shall be held only in the territory included within the boundaries of the proposed new county as set forth in the petition. Said election proclamation and notice shall provide for holding the election of officers and the location of the county seat on the same day and at the same polling places within the territory described in the petition, and at which the election is held to determine whether such territory shall be established and organized into a new county and the same election officers shall serve at both elections. A copy of the election proclamation and notice for the election of officers and the locating of a county seat shall be immediately mailed by the county clerk of the county in which petition is filed to the county clerk of each county from which territory is taken for the proposed new county, such proclamation and notice shall require the voters to cast ballots which shall contain the words "For county seat" with a blank space left below said words and the voter shall write his choice in said space, and the name so written shall be counted as the voter's choice for county seat whether a cross (X) shall be marked after said name or not, or whether said name shall be written in ink or pencil. And said proclamation shall also contain the names of persons to be voted for to fill the various offices designated in said proclamation for counties of the class to which said proposed new county will belong as determined by the board of supervisors as herein directed and in the manner provided by law, except as herein otherwise provided. Publication of proclamation for election of officers.

The proclamation calling for the election of officers and the locating of the county seat shall be made and given exclusively by the board of supervisors with which is filed the petition for the formation and establishment of such new county and such board shall cause the clerk of said county to furnish to the officers of each precinct in said proposed new county, all ballots, poll lists, tally lists, registers for voters' signatures, ballot boxes and other election supplies and equipment necessary to conduct election, and which are not hereinafter specifically directed to be furnished by the clerk of another county or counties. Ballots.

Election supplies.

Conduct of election.

Such election shall be governed and controlled by the general election laws of the state so far as the same shall be applicable, except as herein otherwise provided.

Registers for election officers.

The county clerk of each county from which territory is taken for the proposed new county shall five days before the date of such election furnish to each board of election within said proposed new county the book of affidavits of registration for the precincts of such proposed new county as are within their respective counties, and the copies of indexes thereof required by law, containing the names of all persons who were qualified electors therein up to ninety days before the date of such election. All returns of elections held within the territorial limits of the proposed new county for the election of officers and locating county seat shall be made to the board of supervisors calling such election and all returns of the election held for the purpose of determining whether such territory shall be established into a new county shall be made to the board of supervisors of the then existing county in which said election is held.

Certificates of nomination.

All certificates of nomination of candidates for the offices required to be filled at said election shall be filed with the county clerk of the county represented by the board of supervisors calling said election, not less than ten days next before the date of such election.

Sample ballots not required.

The provisions of the election laws relating to preparation, printing and distribution of sample ballots and the provisions of said laws relating to primary elections in this state shall have no application to any election provided for in this act.

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

Canvass of returns.

Section 4. When the petition is for the organization of a new county out of the territory of two or more counties, each board of supervisors shall upon the completion of a canvass of the vote to determine whether such territory shall be established and organized into a new county, forward to the board of supervisors before whom the said petition is pending, a certified copy of the result of said canvass, giving the total number of votes cast in such county for the organization of said proposed new county, and the total number of votes cast against the establishment and organization of the new county.

Declaration of board of supervisors.

If upon canvass of all votes cast at such election, it appears that fifty per cent. of the total number of all the votes cast in each and every county which will be territorially affected by the organization of such new county is "For the new county of ———— Yes," and sixty-five per cent. of the votes cast within the territorial limits of the proposed new county as established by the board of supervisors is "For the new county of ———— Yes," the board of supervisors shall by a resolution entered upon its minutes declare such territory formed as a county of this state of the class to which the same shall belong, under the name of ———— county (naming it), and that the place (naming it) receiving the highest number of

votes cast at said election for county seat shall be the county seat of said county until removed in the manner provided by law, and designating and declaring the persons receiving respectively the highest number of votes for the several offices to be filled at said election, to be duly elected to such offices, and prescribing the amount in which such officers must execute official bonds, where official bonds are required by law. Said board shall forthwith cause a copy of its said resolution duly certified, to be filed in the office of the secretary of state, and from and after the date of such filing said new county shall be deemed to be fully created, and the organization thereof shall be deemed completed and such officers shall be entitled to enter immediately upon the duties of their respective offices upon qualifying in accordance with law and giving bonds for the faithful performance of their duties, as herein required. The clerk of the board of supervisors with which said petition was filed, as herein provided, must immediately make out and deliver to each of said persons so declared and designated to be elected, a certificate of election authenticated by his signature and the seal of said board of supervisors. All the officers elected at said election or appointed under this act shall hold their offices until the time provided by general law for the election and qualification of such officers in this state and until their successors are elected and qualified and for the purpose of determining the term of office of such officers, the years said officers are to hold office, are to be computed respectively from and including the first Monday after the first day of January following the last preceding general election.

Resolution
to be filed
with secretary
of
state.

Certificate
of election.

If, however, upon such canvass, it appears that more than thirty-five per cent. of the votes cast at the election held for the purpose of determining whether such proposed new county shall be established and organized, within the territorial limits of the proposed new county as established by the board of supervisors is "For the new county of _____ (naming it) No," or if more than fifty per cent. of the total vote of any county which will be territorially affected by the organization of said proposed new county is "For the new county of _____ (naming it) No," the said board of supervisors shall pass a resolution in accordance therewith, and thereupon no further proceedings relative to the organization of said proposed new county nor any other proceeding for the division of any county any portion of which was included within said proposed new county, shall be instituted within one year after such determination.

Proceed-
ings if
proposi-
tion be
lost.

CHAPTER 124.

An act appropriating money to pay the claim of W. H. Cobb against the State of California.

[Approved March 8, 1909.]

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

Appropriation.

Claim of W. H. Cobb.

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of W. H. Cobb against the State of California and the state controller is hereby directed to draw his warrant in favor of W. H. Cobb for said sum of one thousand dollars, and the state treasurer is hereby directed to pay the same.

SEC. 2. This act shall take effect immediately.

CHAPTER 125.

An act to amend section 4247 of the Political Code of the State of California, relating to the salaries and fees of officers of counties of the eighteenth class.

[Approved March 8, 1909.]

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

SECTION 1. Section 4247 of the Political Code of the State of California is hereby amended to read as follows:

Salaries in counties of Eighteenth class (Tulare).

4247. In counties of the eighteenth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit:

1. The county clerk, four thousand dollars per annum.
2. The sheriff, six thousand five hundred dollars per annum, and mileage for the service of any and all processes required by law to be served by him at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty.
3. The recorder, two thousand dollars per annum, and six cents per folio for every instrument of any character transcribed by him or his deputies, which said amount shall be paid by the county treasurer out of the county treasury.
4. The auditor, eighteen hundred dollars per annum, and one deputy at a salary of twelve hundred dollars per annum.
5. The treasurer, two thousand dollars per annum.

6. The tax collector, three thousand six hundred dollars per annum; *provided*, that as such tax collector or as ex officio license collector he shall not have or receive any compensation for or percentage upon the collection of any license.

7. The assessor, five thousand dollars per annum.

8. The district attorney, four thousand dollars per annum.

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

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

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, and one deputy at a salary of one thousand two hundred dollars per annum.

12. The surveyor, such fees as are now, or may be hereafter allowed by law.

13. Justices of the peace shall receive the following monthly salaries to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered as hereinafter provided:

Justices of
the peace.
salaries of
and fees.

In townships having a population of three thousand or more, eighty-five dollars per month, which said salary shall be in full compensation for all services rendered by said justices of the peace in both civil and criminal cases, and all such fees as are allowed by law in civil cases shall be paid by said justices of the peace into the county treasury, as the fees of county officers are paid in.

In townships having a population of not less than two thousand and under three thousand, thirty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

In townships having a population of not less than one thousand and under two thousand, twenty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

In townships having a population of less than one thousand, fifteen dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

14. Constables shall receive the following monthly salaries, to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases:

Constables,
salaries and
fees.

In townships having a population of more than three thousand, fifty dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions.

In townships having a population of not less than two thousand and under three thousand, forty dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed in civil cases.

In townships having a population of not less than one thousand and under two thousand, twenty-five dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil cases.

In townships having a population of less than one thousand, ten dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed in civil cases.

Mileage.

In addition to the monthly salary allowed herein, each constable shall also be allowed ten cents per mile for each mile necessarily traveled in the execution of all criminal process, and all expenses necessarily and actually incurred by him in transporting prisoners to court and to prison.

Monthly reports of justices and constables.

15. It shall be the duty of each and every constable and justice of the peace to file on or before the first Monday of each and every month, a full and complete statement, showing all business both civil and criminal done during the preceding month with the board of supervisors, and shall file same on or before said date above mentioned with the clerk of said board. The statement of the constables shall contain a full and correct account of all process served in both civil and criminal actions, also in criminal cases places where defendants were arrested, together with the mileage. And justices of the peace shall file a full and correct statement of all civil and criminal actions and fees received therefrom. Said statements to be sworn to either before the county clerk or some officer allowed by law to administer oaths.

Determination of population.

16. The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid.

Supervisors, compensation of.

17. Each supervisor, one thousand dollars per annum for personal services performed by him as supervisor, member of the board of equalization and road commissioner. Each supervisor shall also receive his actual and necessary traveling expenses incurred in performing any of the duties of his office, to be allowed by the board of supervisors and paid out of the county general fund; *provided*, that the amount so

allowed him for such expenses shall not exceed forty dollars for any one month.

18. No fees shall be allowed the sheriff or tax collector for collecting licenses in counties of this class.

No fees for collecting licenses.

SEC. 2. This act shall take effect immediately.

CHAPTER 126.

An act to amend section 1775 of the Political Code of the State of California, relating to the duties of county boards of education.

[Approved March 8, 1900.]

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

SECTION 1. Section seventeen hundred seventy-five of the Political Code of the State of California is hereby amended to read as follows:

1775. (1) County boards of education may, without examination, grant certificates as follows:

(a) High school certificates: (1) To the holders of credentials approved by the state board of education in accordance with subdivision two of section fifteen hundred and twenty-one of this code; (2) To the holders of special credentials issued by said state board in accordance with said subdivision; (3) To holders of high school certificates issued by any county, or city and county, board of education in this state; (4) To holders of normal school diplomas accompanied by documents from the faculty of the state university, provided for in subdivision five of section fifteen hundred and three of this code.

High school certificates.

(b) Grammar school certificates: To the holders of the following credentials: (1) Life diplomas or certificates of any state; *provided*, the state board of education in this state shall have decided that said diplomas or certificates represent experience and scholarship equivalent to the requirements for the elementary life diploma in California; (2) California state normal school diplomas, San Francisco city normal school diplomas heretofore granted, and other normal school diplomas; *provided*, that the state board of education of this state shall have recommended the normal school issuing said diploma as being of equal rank with the state normal schools of California; (3) To holders of diplomas of graduation of the four-year course of the University of California or Leland Stanford Junior University when said holder of such diploma shall have had six months' training in one of the state normal schools of this state or has had eight months' successful experience in teaching in the public schools of California

Grammar school certificates.

after graduation; (4) Grammar school or grammar grade certificates of any county, or city and county, of California.

Kindergarten certificates.

(c) Kindergarten-primary certificates: (1) To the holders of kindergarten-primary certificates of any county, or city and county, of California; (2) To the holders of diplomas of graduation from the kindergarten department of any state normal school of this state; (3) To the holders of credentials, showing that the applicant has had professional kindergarten training in an institution approved by the state board of education, and also general education equivalent to the requirements for graduation from the kindergarten department of a California state normal school; (4) To the holders of special kindergarten certificates of any county or city and county of California granted prior to July 1, 1901; *provided*, that the holders of such special kindergarten certificates have had at least two years' training in a kindergarten training school and have taught for a period of at least two years in a public kindergarten school in the county or city and county wherein such special kindergarten certificates were granted.

(2) Grammar school certificates may be granted to the holders of primary grade certificates who shall pass satisfactory examinations in such branches as do not appear on their certificates, or in the record of the examination upon which the original certificate was granted.

Renewed certificates.

(3) All certificates and diplomas now valid in California shall continue in force and effect for the full term for which they were granted. County boards of education may renew any certificate issued by them prior to the adoption of this law, and now in force, and may renew certificates granted by authority of this law. Renewed certificates shall be valid for a period equal to that for which they were originally granted.

Life certificates, to whom may be issued.

(4) When the holder of any certificate or state diploma shall have taught successfully in the same county, or city and county, for five years, the board of education of such county, or city and county, may grant a permanent certificate of the kind and grade of the class in which said applicant has been teaching, valid in the county, or city and county, in which issued, during the life of the holder, or until revoked for any of the causes designated in subdivision four of section seven-hundred and ninety-one of this code; *provided*, that such permanent certificate shall in no case be of a higher grade than the grade of the certificate or state diploma on which the teaching has been done; and for a permanent high school certificate twenty months of said teaching shall have consisted of regular high school work; and *provided further*, that a certificate when renewed the second time, or any time thereafter, shall become, by such renewal, a permanent certificate, if the holder of said certificate shall have complied with all of the conditions of this subdivision.

CHAPTER 127.

An act to appropriate money for repainting of the state normal school at San Francisco, and for laying a concrete sidewalk along the property of said school.

[Approved March 8, 1909.]

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

SECTION 1. The sum of two thousand four hundred dollars (\$2,400), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid to the order of the board of trustees of the state normal school at San Francisco for the purpose of repainting the buildings and for laying a concrete sidewalk a distance of four hundred and twelve feet along the property of said school upon Buchanan and Waller streets in the city and county of San Francisco.

Appropriation.
Repairs to normal school.

SEC. 2. The state board of examiners shall examine, audit and allow demands arising under this act, and the state controller shall thereupon draw his warrant therefor, payable out of the general fund, and the state treasurer is hereby authorized to pay the same.

SEC. 3. This act shall take effect July 1, 1909.

CHAPTER 128.

An act to aid the enforcement of an act entitled, "An act to enforce the educational rights of children and providing penalties for violation of the act," approved March 24, 1903.

[Approved March 8, 1909.]

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

SECTION 1. All minors coming within the provisions of an act entitled, "An act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the commissioner of the bureau of labor statistics and providing penalties for the violation hereof," (approved February 20, 1905) and found employed and at work without the necessary legal authorization as provided for and required in said act, and whose ages are between the maximum and minimum age limits as described in an act entitled, "An act to enforce the

Compulsory schooling required.

educational rights of children and providing penalties for violation of the act," shall be placed or delivered into the custody of the school district authorities of the county, city, or city and county in which they are found illegally at work.

Duty of
labor
bureau.

SEC. 2. The commissioner of the bureau of labor statistics is hereby authorized, directed and empowered to enforce the provisions of this act.

SEC. 3. This act shall take effect immediately.

CHAPTER 129.

An act to add a new section to the Political Code to be numbered forty-two hundred and twenty-one a relating to the law library fund.

[Approved March 8, 1909.]

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

SECTION 1. A new section is hereby added to the Political Code of the State of California to be numbered 4221a to read as follows:

Law
library
fund.

4221a. The boards of supervisors of the several counties of this state are hereby authorized at their discretion to set apart each month from the fees collected by the county clerks in addition to fund now provided for by law, a sum not exceeding thirty dollars in any one month, to be paid by the county clerk into the "law library fund" designated in section four thousand one hundred and ninety of this code and when so paid into said fund the same shall constitute a part thereof and to be used for the same purpose as said fund is now used.

CHAPTER 130.

An act to amend an act entitled, "An act regulating employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the commissioner of the bureau of labor statistics and providing penalties for the violation hereof," approved February 20, 1905.

[Approved March 8, 1909.]

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

SECTION 1. Section six of an act entitled, "An act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the commissioner of the bureau of labor statistics and providing penalties for the violation hereof," is hereby amended to read as follows:

Section 6. It shall be the duty of the commissioner of the bureau of labor statistics to enforce the provisions of this act. The commissioner, his deputies and agents shall have all powers and authority of sheriffs to make arrests for violations of the provisions of this act.

Powers of
commissioner.

CHAPTER 131.

An act to provide for the improvement of the campus of the state normal school at San Diego, California, and making an appropriation therefor.

[Approved March 8, 1909.]

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

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars, to be expended by the board of trustees of the state normal school at San Diego, California, in making additional improvements of the campus on the grounds surrounding the state normal school at San Diego, belonging to the State of California. Said improvements shall include all necessary curbing, sidewalking, crosswalks, roadways, piping for water, tree planting, lawns, athletic grounds, and all other necessary improvements.

Appropriation.

Improvement San Diego normal school.

SEC. 2. The state controller is hereby directed to draw his warrants in favor of the board of trustees of said state normal school, for the money herein appropriated, and the state treasurer is hereby directed to pay said warrants.

SEC. 3. All bills for material and labor in carrying out the provisions of section one of this act shall be first audited by the board of trustees of said state normal school, and approved by the state board of examiners before being paid.

CHAPTER 132.

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

[Approved March 8, 1909.]

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

Appropriation.
Repairs to governor's residence.

SECTION 1. The sum of five thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay for furnishing, painting, repairing, renovating and improving the governor's residence. The state controller is hereby authorized and directed to draw warrants in favor of the governor for the amount above appropriated and the treasurer is hereby authorized and directed to pay the same.

SEC. 2. This act shall take effect immediately.

CHAPTER 133.

An act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent acts.

[Approved March 8, 1909.]

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

SECTION 1. This act shall be known as the "Juvenile Court Law" and shall apply only to children under the age of eighteen years not now or hereafter inmates of a state institution. Name of act.

For the purposes of this act, the words "dependent child" shall mean any child under the age of eighteen years: "Dependent child" defined.

(1) Who is found begging, receiving or gathering alms, whether actually begging or under the pretext of selling or offering anything for sale; or

(2) Who is found in any street, road or public place for the purpose of so begging, gathering or receiving alms; or

(3) Who is a vagrant; or

(4) Who is found wandering and not having any home, or any settled place of abode, or any proper guardianship, or any visible means of subsistence; or

(5) Who has no parent or guardian; or who has no parent or guardian willing to exercise, or capable of exercising, proper parental control; or

(6) Who is destitute; or

(7) Whose home by reason of neglect, cruelty or depravity of his parents or either of them, or on the part of his guardian, or on the part of the person in whose custody or care he may be, is an unfit place for such child; or

(8) Who frequents the company of reputed criminals, vagrants or prostitutes; or

(9) Who is found living or being in any house of prostitution or assignation; or

(10) Who habitually visits, without parent or guardian, any saloon, pool room or place where any spirituous, vinous or malt liquors are sold, bartered or given away; or

(11) Who persistently refuses to obey the reasonable and proper order or directions of his parents or guardian; or

(12) Who is incorrigible; that is, who is beyond the control and power of his parents, guardian or custodian by reason of the vicious conduct or nature of said minor; or

(13) Whose father is dead or has abandoned his family or is an habitual drunkard, or whose father does not provide for such minor, and it appears that such minor is destitute of a suitable home or of adequate means of obtaining an honest living, or is in danger of being brought up to lead an idle or immoral life; or where both parents of such child are dead, or the mother, if living, is unable to provide proper support and care of such minor child; or

(14) Who is an habitual truant within the meaning of an act entitled "An act to enforce the educational rights of children and providing penalties for the violation of said act," approved March 24, 1903, and who is not placed in a parental school under the provisions of said act, or who being over the age of fourteen years refuses to attend public or private school, as directed by his parents, duly authorized guardian or legal custodian; or

(15) Who habitually uses intoxicating liquor as a beverage or habitually smokes cigarettes or who habitually uses opium, cocaine, morphine or other similar drug, without the direction of a competent physician.

The words "delinquent child" shall include any child under the age of eighteen years who violates any law of this state, or any ordinance of any town, city, county or city and county of this state, defining crime.

Juvenile
court,
function
of.

SEC. 2. The superior court in every county of this state shall exercise the jurisdiction conferred by this act, and, while sitting in the exercise of its said jurisdiction, shall be known and referred to as the "juvenile court," and is hereinafter so referred to. In counties having more than one judge of the superior court, the judges of such court shall from time to time designate one or more of their number whose duty it shall be to hear all cases coming under this act. In counties of the first class, such designation shall be made by the presiding judge. The orders and findings, if any, of the superior court, in all cases coming under the provisions of this act, shall be entered in a book to be kept for that purpose and known as the "juvenile court record," and the court when acting under this act shall be called the "juvenile court." All cases coming under the provisions of this act shall be heard at a special or separate session of the court, and no other matter shall be heard at such session, nor shall there be permitted to be present at such session any person on trial or awaiting trial, or under accusation of crime, who does not come under the provisions of this act.

Com-
plaint,
form of.

SEC. 3. Any person may file with the clerk of the superior court a petition showing that there is within the county, or residing within the county, a dependent or delinquent child.

and praying that the superior court deal with such child as provided in this act. Such petition shall be verified and shall contain a statement of facts constituting such dependency or delinquency, as defined in section 1 of this act. There shall be no fee for filing such petition.

SEC. 4. Upon the filing of the petition provided for in section 3 hereof, a citation shall issue, requiring the person or persons having the custody or control of the child, or with whom the child may be, to appear with the child at a time and place stated in the citation. Service of such citation must be made at least twenty-four hours before the time stated therein for such appearance. The parents or guardian of the child, if residing within the county in which the court sits, and if their places of residence be known to the petitioner, or if there be neither parent nor guardian so residing, or if their places of residence be not known to petitioner, then some relative of the child, if any there be residing within said county, and if his residence and relationship to such child be known to petitioner, shall be notified of the proceedings by service of citation requiring him or them to appear at the time and place stated in such citation. In any case the judge may appoint some suitable person to act in behalf of the child, and may order such further notice of the proceedings to be given as he may deem proper. If any person, cited as herein provided, shall fail, without reasonable cause, to appear and abide by the order of the court, or to bring the child, if so required in the citation, such failure shall constitute a contempt of said court and may be punished as provided for in other cases of contempt of court. In case such citation can not be served, or the party served fails to obey the same, and in any case in which it shall be made to appear to the court that such citation will probably be ineffective, a warrant of arrest shall issue on the order of the court, either against the parent or guardian, or the person having the custody of the child, or with whom the child may be, or against the child himself, or any or all of said persons; or if there be no person to be served with citation as above provided, a warrant of arrest may be issued against the child immediately. On the return of the citation or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Until the final disposition of any case, the child may be retained in the possession of the person having charge of him, or may be kept, upon the order of the court, in some suitable place, provided by the county, or city and county, or may be held otherwise as the court may direct.

SEC. 5. When any minor child under the age of nineteen years shall be found by said court or judge to be dependent or delinquent, within the meaning of this act, the court may make an order committing the child, for such time during its minority as the court may deem fit, to the care of some reputable citizen of good moral character, or to the care of some associa-

Citation to persons having custody of child.

Failure to answer citation.

Summary disposition of case.

Commitment order for, and to where.

tion, society or corporation willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children, or to the care of the probation officer or other person to remain in the home of the child. The court may thereafter set aside, change or modify such order, at any time during the minority of such child, and said child, if a boy, may be committed to the Preston State School of Industry, or to the Whittier State School, during his minority. or, if a girl, may be committed to the Whittier State School until twenty-one years of age; *provided, however*, that before conveying any such minor to either of such institutions it shall be ascertained from the superintendent thereof whether such child can be received; and if such child can not be received, the court shall make such other order for the disposition of such child as is meet.

Probation committee, appointment of.

SEC. 6. The judge of the superior court in and for each county, or city and county, of the state, and in counties where there is more than one judge of the said court, the judge who has been designated as "judge of the juvenile court" shall, by an order entered in the minutes of the court, appoint seven discreet citizens of good moral character and of either sex, to be known as the "probation committee," and shall fill all vacancies occurring in such committee. The clerk of said court shall immediately notify each person appointed on said committee and thereupon said persons shall appear before the judge of the superior court to whom has been assigned all proceedings under this act, and qualify by taking an oath, which shall be entered in said juvenile court record, to faithfully perform the duties of a member of such probation committee.

Term of office.

SEC. 7. The members of such probation committee shall hold office for four years, and until their successors are appointed and qualify; *provided*, that of those first appointed, one shall hold office for one year, two for two years, two for three years, and two for four years, the terms for which the respective members shall hold office to be determined by lot as soon after their appointment as may be. When any vacancy occurs in any probation committee by expiration of the term of office of any member thereof, his successor shall be appointed to hold office for the term of four years; when any vacancy occurs for any other reason, the appointee shall hold office for the unexpired term of his predecessor.

Compensation.

SEC. 8. Members of the probation committee shall serve without compensation.

Committee may be required to do what.

SEC. 9. The superior court or any judge thereof may at any time require said probation committee or probation officer to examine into the qualifications and management of any society, association or corporation, other than a state institution, receiving, or applying for, any child or children under this act, and to report thereon to the court; *provided*, that nothing in this section shall be construed as giving any probation committee or

probation officer any power to enter any institution without the consent of such institution.

It shall be the duty of each probation committee, prior to the first day of December in each year, to prepare a report in writing on the qualifications and management of all societies, associations and corporations, except state institutions, applying for or receiving any child under this act from the courts of their respective counties, and in such report said committee may make such suggestions or comments as to them may seem fit; such report to be filed in the office of the clerk of the court appointing such committee for the information of the judges thereof. The probation committee shall also have the control and management of the internal affairs of any detention home heretofore or hereafter established by the board of supervisors of their county; and it shall be the duty of the board of supervisors to provide for the payment of such employees as may be needed in the efficient management of such detention home.

Duty of probation committee.

SEC. 10. There shall be appointed, as hereinafter provided, a probation officer in every county, and he may appoint as many deputies as he may desire; *provided, however*, that such deputies shall not have authority to act until their appointment shall be approved in like manner as the appointment of the probation officer himself. Such deputies, except as hereinafter provided, shall serve without compensation.

County probation officer.

SEC. 10a. In counties, or cities and counties, of the first class, there shall be one probation officer and ten assistant probation officers. The salaries of said officers shall be as follows: Probation officer, \$225 per month; one assistant probation officer, \$175 per month; and nine assistant probation officers, at \$125 per month each.

Salaries in counties of first class.

SEC. 10b. In counties of the second class there shall be one probation officer and six assistant probation officers. The salaries of said officers shall be as follows: Probation officer, \$200 per month; one assistant probation officer, \$150 per month; five assistant probation officers, \$100 per month each.

Second class.

SEC. 10c. In counties of the third class, there shall be one probation officer and four assistant probation officers. The salaries of said officers shall be as follows: Probation officer, \$175 per month; one assistant probation officer, \$125 per month; and three assistant probation officers, \$100 per month each.

Third class.

SEC. 10d. In counties of the fourth class there shall be one probation officer and one assistant probation officer. The salaries of said officers shall be as follows: Probation officer, \$150 per month; assistant probation officer, \$100 per month.

Fourth class.

SEC. 10e. In counties of the fifth class there shall be one probation officer and one assistant probation officer. The salaries of said officers shall be as follows: Probation officer, \$175 per month; assistant probation officer, \$150 per month.

Fifth class.

SEC. 10i. In counties of the ninth class there shall be one probation officer whose salary shall be \$125 per month.

Ninth class.

SEC. 10j. In counties of the eighth, tenth, sixteenth and seventeenth classes there shall be one probation officer. The

Salaries in other counties.

salary of each of said probation officers shall be \$100 per month.

SEC. 10*k*. In each of the counties of the twentieth and thirtieth classes there shall be one probation officer. The salary of each of said probation officers shall be \$75 per month.

SEC. 10*l*. In each of the counties of the twenty-fifth, thirty-third, thirty-fifth, fortieth, forty-second, forty-third, forty-fifth, forty-sixth, forty-seventh, fifty-second and fifty-third classes there shall be one probation officer. The salary of each of said probation officers shall be \$10 per month.

SEC. 10*m*. In each of the counties of the eleventh class there shall be one probation officer. The salary of said probation officer shall be \$80 per month.

SEC. 10*n*. In each of the counties of the fifty-sixth and fifty-seventh classes there shall be one probation officer. The salary of each of said probation officers shall be \$5 per month.

SEC. 10*o*. In every other county than those heretofore expressly enumerated the salary of the probation officer shall be \$35 per month.

How paid.

SEC. 11. The salaries of all probation officers and assistant probation officers shall be paid out of the county treasury of the county for which they are appointed, respectively, in the same manner as the salaries of county officers.

Expenses allowed.

SEC. 12. The probation officers and assistant probation officers and deputy probation officers in all counties of the state shall be allowed such necessary incidental expenses as may be authorized by the judge of the juvenile court; and the same shall be a charge upon the county in which the court appointing them has jurisdiction, and said expenses shall be paid out of the county treasury upon a written order of the judge of the juvenile court of said county directing the county auditor to draw his warrant upon the county treasurer for the specified amount of such expenses.

Office of probation officer created.

SEC. 13. The offices of probation officer and assistant probation officer are hereby created. The probation officers and assistant probation officers to serve hereunder in any county or city and county shall be nominated in such manner as the judge of the juvenile court in the respective counties or city and county shall direct; and the appointment of such probation officers and assistant probation officers shall then be made by the judges of the respective juvenile courts. The term of office of probation officers and of assistant probation officers shall be two years from the date of their said appointments. Such probation officers and assistant probation officers may at any time be removed by the judge appointing them, in his discretion.

Duty of clerk of court.

SEC. 14. It shall be the duty of the clerk of any court before which a child is brought under the provisions of this act, before hearing, to notify the probation officer of the county thereof; except in cases where the child is brought before the court by a society, association or corporation which embraces within its objects the care of dependent or delinquent children,

and which has in the last report thereon by the probation committee of such county, been favorably passed upon.

SEC. 15. The probation officer shall inquire into the antecedents, character, family history, environment and cause of delinquency or dependency of every child brought before the juvenile court, and shall make his report in writing to the judge thereof: *provided, however*, that only when the judge so specially orders shall he make such inquiry or report in the case of a dependent or delinquent child who is already in charge of a society, association or corporation which embraces within its objects the care of dependent children, and which has in the last report thereon by the probation committee of such county been favorably passed upon. In the event that such a society, association or corporation shall be so in charge it shall through its agents or superintendent make such report to the judge in place of the probation officer.

Inquiries as to cause of dependency.

It shall be the duty of said probation officer, agent or superintendent of such society, association or corporation to be present in court in order to represent the interests of the child when the case is heard, and to furnish to the court such information and assistance as it may require and to make such report at such time; and to take such charge of the child before and after the hearing as may be ordered. Every probation officer and assistant probation officer shall have the powers of a peace officer. At any time, in his discretion, such officer may bring any child committed to his care before the court for such further or other action as the court may deem proper.

Duties and powers of probation officer.

Any of the duties of a probation officer may be performed by an assistant or deputy probation officer, and shall be so performed whenever directed by the probation officer; and it shall be the duty of the probation officer to see that his assistant and deputy probation officers perform their duties.

Duties of deputy.

SEC. 16. Whenever a deposition or complaint shall be filed in any court other than a superior court, charging a person with a crime and it shall be suggested to the judge, justice or recorder before whom such person is brought that the person charged is under the age of eighteen years, said judge, justice or recorder shall immediately suspend all proceedings against such person on said charge and examine into the age of such person and if, from such examination, it shall appear to the satisfaction of said judge, justice or recorder that such person is under the age above specified, he shall forthwith certify to the juvenile court of his county (a) that said person (naming him) is charged with such crime (briefly stating its nature); (b) that the age of such person, exactly as possible, giving the birthday when known, and (c) the suspension of proceedings against such person on such charge by reason of his age, with the date of such suspension; and immediately thereupon all proceedings against the said person on said charge shall be suspended until said juvenile court shall issue its mandate, as hereinafter provided, directing the court before which said charge was pending to proceed with the examina-

Criminal charges against minors, proceedings in.

tion into or trial thereof, and the court so suspending its proceedings shall forthwith cause such person to be taken before the juvenile court of his county for consideration and proceedings under this act. When such person shall be brought before the judge of the juvenile court said judge shall cause a complaint to be filed as provided in section 3 of this act and shall fix a time for considering said matter and shall cause citation to be issued, as provided in section 4 of this act.

Bail. Pending such hearing, said judge may admit such person to bail or otherwise provide for his temporary custody in any manner provided herein for the care of a child after the finding of its delinquency. The judge of said juvenile court may further investigate the age of such person and may also inquire into the condition and care of such person and make such orders for his disposition under the provisions of this act as he may deem proper. If said judge shall, after such investigation, decide that such person was at the time said offense was alleged to have been committed of the age of eighteen years or more, such determination shall be conclusive and he shall immediately issue his mandate directing the court before which such charge is pending to proceed therewith, and upon receipt of such mandate said court shall proceed with the examination or trial of said charge as though no suspension thereof had taken place; *provided, however*, that if the court shall find that the person so charged is under the age of eighteen years and a fit subject for consideration under the provisions of this act, and is a delinquent child, he may make such order or orders hereunder as he may deem best in relation to such person; *provided further, however*, that if such judge shall at any time conclude that such person is not a fit subject for further consideration under this act, he may remand such person to the court in which said person is charged with said offense for further proceedings on said charge, and upon receipt of the mandate of said juvenile court, or the judge thereof, the court before which said charge is then pending shall be vested with full authority to proceed with the examination or trial thereof. All statutes of limitation relating to the charge so pending against such person shall be suspended as to said person and charge from the issuance by said judge, justice or recorder of his certificate hereinbefore provided for until said juvenile court, or the judge thereof, shall issue its mandate remanding such person for further proceedings as aforesaid; and all statutes of limitation relating to any charge, made in any court, against any person under the age of eighteen years, shall be suspended as to such charge and person whenever, and as long as, such person is before the juvenile court for consideration under the provisions of this act, or is detained by virtue of any commitment issued hereunder and unrevoked; *provided, however*, that if said child shall be discharged by the juvenile court as reformed, such

Orders of
juvenile
court.

Statutes
of limita-
tion sus-
pended.

Order of
discharge,
effect of.

order of discharge shall constitute a bar to any further proceedings in any court against said child upon said charge.

Sec. 17. Whenever it is claimed that any child under the age of eighteen years is a delinquent child as defined in this act, a verified petition shall be filed in the juvenile court of the county wherein said delinquency occurred, stating such delinquency and the facts constituting the same, and that said child is under the age of eighteen years, and praying that the said court shall adjudge said child to be a delinquent child within the meaning of this act. Notice shall be given of the time and place of hearing as in the case of a child alleged to be a dependent child, and the petition shall be heard at the time and place designated by the juvenile court. If the court shall adjudge the child to be a delinquent child within the meaning of this act, such order shall be made as is meet in the premises, as in this act provided. If upon said hearing said court shall determine that said child is not a fit and proper subject to be dealt with under the reformatory provisions of this act, said court may dismiss the petition hereunder and direct that such child be prosecuted under the general law. No child under eighteen years of age shall be prosecuted for crime until the matter has first been submitted to the juvenile court by petition as herein provided, or by certificate of the lower court as provided in section 16 hereof.

Delinquency petition for.

Notice of hearing.

Criminal prosecutions barred, when.

Sec. 18. Whenever any person over the age of eighteen years and under the age of twenty years is accused of a felony, and the indictment or information has been filed in the superior court of the county wherein the crime was committed, charging said person with the commission of said felony, the judge may, in his discretion, with the consent of the accused, or upon his request, arrest said proceeding at the time of arraignment or at any time previous to the impanelment of a jury, except where the crime charged is a capital offense or an attempt to commit a capital offense, and may proceed to investigate the charge against the defendant, and all the facts and circumstances necessary to determine the proper disposition to be made of said person, and shall determine whether said person shall be dealt with as a delinquent under the provisions of this act. If the court is satisfied upon such investigation that said person should be declared a delinquent and should be dealt with under this act, it may make such order as herein provided for the disposition of delinquent children. If such person thereafter prove not to be amenable to the discipline of the school to which he may be committed, and the trustees thereof shall determine that said person should be committed to a state penitentiary, such person shall be returned to the custody of the sheriff of the county in which such crime was committed, and thereafter proceedings shall be had upon the indictment or information commencing at the point at which proceedings were arrested; and said person shall be tried for the offense

Suspensions of judgments in felony cases.

alleged in the information, and if convicted shall be sent to the penitentiary for such time as the court may determine, or otherwise dealt with in accordance with the law for dealing with persons convicted of a felony. If no request is made by the defendant for proceedings under this statute, or if the defendant desires a trial by jury, or if the judge declines to consent to the application of the defendant for proceedings under this statute, said cause shall proceed in the ordinary manner up to the verdict of guilty or not guilty, as the case may be. If said person is convicted, the court may thereafter receive such evidence as may be offered, touching the question as to whether or not said person should be dealt with as a delinquent in the manner hereinbefore provided in case of the application and consent of the accused before trial, and may make such order of probation or commitment to said state schools, and may from time to time modify said probation orders, as is herein provided in the case of children adjudged delinquent. If such person during the period of his commitment to said state institution, proves to be incorrigible or not amenable to the discipline of such institution, and it shall be deemed advisable in the judgment of the trustees of such institution that said person be sent to the penitentiary, then said person shall be returned to the superior court in which the verdict was rendered, for sentence, and thereupon the court shall pronounce judgment.

Detention
pending
hearing.

SEC. 19. In the case of a child alleged to be delinquent within the meaning of this act, the juvenile court may, pending the hearing, at any time before the child is adjudged delinquent or otherwise disposed of, order that said child be detained in any detention home provided for that purpose by any county, or it may be otherwise temporarily provided for as to the court may seem fit in any manner provided herein for the care of a child after the termination of his delinquency.

Disposi-
tion of
child de-
clared de-
linquent.

SEC. 20. If the court find a child to be delinquent, then the court may commit the child to the care and custody of the probation officer and may allow the said child to remain in the home of said child, subject to the visitation of a probation officer, and such child shall report to the probation officer as often as may be required, and be subject to be returned to the court for further proceedings whenever such action may appear necessary or desirable, or the court may commit the child to the care and custody of the probation officer, to be placed in a suitable family home subject to the supervision of said probation officer and the further order of the court; or it may order the probation officer to board out the child in some suitable family home in case provision is made by voluntary contribution or otherwise for the payment of the board of said child until suitable provision may be made for the child in a home without such payment; or the court may commit the child for such time during its minority as to the court may

seem fit to the care and custody of some association, society or corporation that will receive it, embracing within its object the care of dependent or delinquent children; or the court may commit said child to a state school as hereinbefore provided, or to such other state institution as may be authorized by law to receive it. *Provided further*, that should the legislative body of the county or city and county, or if a municipality, provide a suitable place for the detention of such dependent or delinquent children which they are hereby authorized and required to do, such children may be committed thereto after the adjudication of dependency or delinquency for a definite period to be specified in such order, at the end of which time said child shall be brought before the court for further order of court. The court may thereafter set aside, change or modify said order and provide for a further detention in said place. The court shall retain the jurisdiction of any child who is found to be delinquent until such child attains its majority, or if a girl, until said child attains the age of twenty-one years (unless she is married with the consent of the court), or until said court is satisfied that said minor has fully reformed and that further direction and supervision under the provisions of this act are unnecessary for his reformation. If a boy, said child may be committed by said court to the Whittier State School or the Preston State School of Industry at any time during his minority for the period of his minority. If a girl, she may be committed to the said Whittier State School at any time before she is twenty-one years of age until she is twenty-one years of age. Such child may be committed to any other institution now or hereafter provided by the state for such children. If such child, after being committed to the Whittier State School or the Preston State School of Industry or such other institution, shall there prove to be incorrigible or incapable of reformation under the discipline of the school to which he may be committed, such child may be returned to the court for such further order or disposition as may at that time be determined. Upon the return of said child to the custody of the juvenile court, if said child be accused of felony, it shall be the duty of the judge of said court to sit as a committing magistrate and hold the preliminary examination of such child, and if upon said hearing he shall determine that there is probable cause to believe that the child has committed the offense charged in the petition theretofore filed in said court, he shall hold such child to answer to the superior court, and thereupon the usual proceedings shall be had for the trial of said case in the superior court after the filing of the information in pursuance to said order of said judge sitting as a committing magistrate, and said child shall be tried by court and jury in the usual manner for the trial of a felony. *Provided, however*, that no minor under the age of fourteen years at the time of the commission of the offense

Public
detention
quarters.

Jurisdiction
of
court
retained
until
when.

Commit-
ment to
state insti-
tutions.

When
child
proves in-
corrigible.

Minors
under the
age of 14.

with which he is charged shall ever be sent to a penitentiary until he has first been committed to the Whittier State School or the Preston State School of Industry and has there proved to be incorrigible or not amenable to the discipline of said school. No minor who is under the age of eight years or who is suffering from any contagious, infectious or other disease which would probably endanger the lives or health of the other inmates of said state schools shall be committed thereto. No minor shall be committed to said state schools unless the judge of said court shall be fully satisfied that the mental and physical condition and qualifications of said minor are such as to render it probable that such minor will be benefited by the reformatory educational discipline of such schools.

Expense of
maintenance.

SEC. 21. Any order providing for the custody of a dependent or delinquent child may provide that the expense of maintaining such child shall be paid by the parent or parents or guardian of such child, and in such case shall state the amount to be so paid, and shall determine whether or not the parent or parents or guardian shall exercise any control of said child, and define the extent thereof. Any disobedience of such order or interference with the custody of the child as therein determined shall constitute a contempt of court.

When
county
shall pay.

If it be found, however, that the parent or parents or guardian of a dependent or delinquent child is unable to pay the whole expense of maintaining such child, the court may, in the order providing for the custody of such child, direct such additional amount as may be necessary to support such child to be paid from the county treasury of the county for the support of such child, the amount so ordered to be paid from the treasury of said county not to exceed, in case of any one child, the sum of eleven dollars per month; *provided, further*, that no order for the payment of all or part of the expense of support and maintenance of a dependent or delinquent child from the county treasury shall be effective for more than six months, unless a new order is secured at the expiration of that period. The court may thereafter set aside, change or modify any order herein provided for.

Orders
may be
modified.

SEC. 22. Any order made by said court in case of a dependent or delinquent person may at any time be changed and modified as to the judge may seem meet and proper.

Private
hearings.

SEC. 23. Any child shall be entitled to a private hearing upon the question of its dependency or delinquency, and upon the request of said child, or either of his parents or guardian, such hearing shall be had privately in the manner provided by law for private hearings at preliminary examinations. An order of court adjudging a child dependent or delinquent under the provisions of this act shall in no case be deemed to be a conviction of crime.

Minors
under the
age of 16,
detention
of.

SEC. 24. No court, judge, magistrate or peace officer shall commit a child under sixteen years of age to any jail or prison, before trial and conviction, but if any such child is not released pending such hearing, he may be committed to

the care and custody of a sheriff, constable or other peace officer who shall keep such child in a detention home or some other suitable place outside of the enclosure of any jail or prison, as the court may direct. When any child under sixteen years of age shall be sentenced to confinement in any institution to which adult convicts or prisoners are sentenced or confined, it shall be unlawful to confine such child in the same room, yard or enclosure with such adult convicts or prisoners, or to permit such child to come or remain in contact with such adult convicts or prisoners.

SEC. 25. It shall be the duty of the legislative body of every county, or city and county, immediately upon this act becoming effective, to provide and thereafter maintain, at the expense of such county, or city and county, a suitable house or place to be known as the "detention home" of said county, or city and county, for the detention of dependent and delinquent children. Such detention home must not be in, or connected with, any jail or prison, and shall be conducted in all respects as nearly like a home as possible and shall not be deemed to be or treated as a penal institution. Such governing body must also provide for a suitable superintendent and matron to have charge of such detention home, and provide for the payment, out of the general fund of the county, or city and county, of suitable salaries for such superintendent and matron, such employees to be appointed by said governing body, upon the nomination of the probation committee and approval of the judge of the juvenile court.

SEC. 26. In all cases where any child shall be dependent or delinquent under the terms of this act, the parent or parents, legal guardian or person having the custody of such child, or any other person who shall, by any act or omission, encourage, cause or contribute to the dependency or delinquency of such child shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine not exceeding one thousand dollars or imprisonment in the county jail for not more than one year or by both such fine and imprisonment, and the juvenile court shall have jurisdiction of all such misdemeanors: *provided, however,* that the court may suspend sentence for a violation of the provisions of this section and impose conditions as to the conduct, in the premises, of any person so convicted, and make such suspension to depend upon the fulfillment by such person of such conditions, and, in case of the breach of such conditions, or any thereof, the court may impose sentence as though there had been no such suspension. The court may also, as a condition of such suspension, require a bond in such sum as the court may designate, to be approved by the judge requiring same, to secure the performance by such person of the conditions imposed by the court on such suspension. Such bond shall by its terms be made payable to the State of California, and any moneys received for a breach thereof shall be paid into the county treasury.

"Detention home," provision for.

Penal liability of parents and guardians.

Act, how
to be con-
strued.

SEC. 27. This act shall be liberally construed to the end that its purpose may be carried out, to wit: That the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by his parents, and in all cases where it can be properly done, the child shall be placed in an approved family, with people of the same religious belief, and become a member of the family, by legal adoption or otherwise. No child shall be taken from the custody of his parent or legal guardian, without the consent of such parent or guardian, unless the court shall find such parent or guardian to be incapable, or has failed or neglected to provide proper maintenance, training and education for the child; or unless said child has been tried on probation in said custody, and has failed to reform, or unless the court shall find that the welfare of said child requires his custody shall be taken from said parent or guardian.

Certain
words de-
fined.

In this act, words used in any gender shall include all other genders, and the word "county" shall include "city and county," the plural shall include the singular and the singular shall include the plural.

Certain
acts super-
seded.

SEC. 28. This act shall supersede all provisions of the act entitled: "An act to establish a state reform school for juvenile offenders, and to make an appropriation therefor," approved March 11, 1889, and all amendments thereto, and all provisions of the act entitled: "An act to establish a school of industry and to provide for the maintenance and management of same, and to make an appropriation therefor," approved March 11, 1889, and all amendments thereto relating to the mode of commitments to the institutions therein named; but said acts shall control as to all matters concerning the management of said institutions, respectively.

Certain
acts re-
pealed.

SEC. 29. An act entitled "An act defining and providing for the control, protection and treatment of dependent and delinquent children: prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers: providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this act and prescribing the duties of such boards; and providing when proceedings under this act shall be admissible in evidence," approved February 26, 1903: and the amendments thereto approved March 22, 1905, and March 27, 1907, are hereby repealed; *provided, however,* that all orders and judgments made heretofore under said act shall continue in full force and effect, and that the court shall retain jurisdiction of all children heretofore declared dependent or delinquent, and such children shall be hereafter dealt with in the same manner as if such orders had been made under the provisions of this act, and all proceedings now pending shall be continued under the provisions of this act. All children now

Judgments
heretofore
made,
effect of.

on probation from justice courts shall remain on probation for the period fixed in the judgment, and if required may be certified to the superior court in the manner in said act provided. When so certified the said certificate shall be dealt with in the same manner as herein provided for a petition alleging delinquency.

Sec. 30. This act shall take effect immediately.

CHAPTER 134.

An act to provide for the gathering, compiling, printing and distribution of statistics and information regarding the Japanese of the state, and making an appropriation therefor.

[Approved March 8, 1900.]

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

SECTION 1. Upon this act becoming effective the governor shall direct the state labor commissioner to immediately undertake and complete as soon as possible the gathering and compiling of statistics and such other information regarding the Japanese of this state as may be useful to the governor in making a proper report to the president of the United States and to congress, and in furnishing to the people of this state and elsewhere a comprehensive statement of such conditions as actually exist. Upon the order of the governor such statistics and information shall be printed and distributed.

Duty of
labor com-
missioner.

Sec. 2. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to carry out the provisions of this act. And the controller is hereby authorized to draw his warrants for the sum herein made available, and the state treasurer is hereby directed to pay the same.

Appropriation.

Sec. 3. This act shall take effect immediately.

CHAPTER 135.

An act pertaining to the establishment of a uniform system of county and township governments and amending section 4273 of the Political Code, relating to the salaries and fees of officers of counties of the forty-fourth class.

[Approved March 8, 1909.]

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

SECTION 1. Section 4273 of the Political Code of California is hereby amended, so as to read when amended, as follows:

Salaries in
counties of
forty-
fourth
class
(Madera).

4273. In counties of the forty-fourth class, the county officers shall receive, as compensation for the services required by them by law or by virtue of their offices, the following salaries to-wit:

1. The county clerk, eighteen hundred dollars per annum; *provided* that in counties of this class there shall be, and there hereby is allowed to the county clerk, one deputy clerk, who shall be appointed by the county clerk and shall be paid a salary as follows: the sum of seven hundred and eighty dollars per annum, which sum shall be paid by said county in equal monthly installments at the same time and in the same manner, and out of the same fund as the salary of the county clerk.

2. The sheriff, forty-two hundred dollars per annum, and such mileage as is allowed by law, and the fees, mileage, or commissions for the service of all papers whatever issued by any court outside of his county, and all mileage for the service of papers in civil cases in his own county, and the actual expenses incurred in criminal cases, and fifteen cents for each meal for feeding prisoners confined in the county jail.

3. The recorder, fifteen hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees provided by law to be collected; *and provided* that when the amount of said fees collected shall amount to more than one hundred and twenty-five dollars in any month, the recorder may receive and retain for his own use in addition to his salary, all fees in excess of one hundred and twenty-five dollars, and not exceeding one hundred and seventy-five dollars in any month so collected, so that the amount of fees thus received by the recorder for his own use plus the salary shall not exceed the sum of one hundred and seventy-five dollars in any one month; *and provided further* that in counties of this class there shall be and there hereby is allowed to the recorder one deputy recorder who shall be appointed by the recorder and shall be paid a salary as follows: the sum of seven hundred and eighty dollars per annum, which sum shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the recorder.

4. The auditor, eighteen hundred dollars per annum.
5. The treasurer, sixteen hundred and twenty dollars per annum.
6. The tax collector, fifteen hundred dollars per annum.
7. The assessor, twenty-five hundred dollars per annum.
8. The district attorney, eighteen hundred dollars per annum; *provided*, that when such officer is required by law to absent himself from the county seat on official duty, he may appoint a temporary deputy whose compensation shall be three dollars per day for the time actually served, and such allowance shall be made as other claims are allowed by the board of supervisors, and when so allowed shall be paid out of the salary fund.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, twelve hundred dollars per annum, *provided* that in counties of this class, there shall be and is hereby allowed to the superintendent of schools, a deputy who shall be appointed by the superintendent of schools and paid a salary of five hundred dollars per annum; said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.
12. The surveyor, ten dollars per day when engaged in county work. He shall also receive his actual expenses when at work in the field.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the board of supervisors, twelve hundred dollars per annum, and twenty-five cents per mile while traveling from their respective residence to the county seat, not more than once each month.
16. In counties of this class the official reporter of the superior court shall receive such fees as are now and may hereafter be allowed by law.

Township
officers,
fees of.

Super-
visors.

Official
reporter.

SEC. 2. This act shall take effect and be in force immediately from and after the next general election for said officers.

CHAPTER 136.

An act to amend section 4280 of the Political Code, relating to salaries and fees of officers of counties of the fifty-first class.

[Approved March 8, 1909.]

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

SECTION 1. Section 4280 of the Political Code is hereby amended so as to read as follows:

Salaries in
counties of
fifty-first
class
(Lassen).

4280. In counties of the fifty-first class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, two thousand four hundred dollars per annum.

2. The sheriff, three thousand dollars per annum.

3. The recorder, one thousand six hundred dollars per annum.

4. The auditor, five hundred dollars per annum.

5. The treasurer, one thousand six hundred dollars per annum.

6. The tax collector, five hundred dollars per annum, and ten per cent of all licenses collected by him as license collector.

7. The assessor, one thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor one deputy, to be appointed by him, who shall receive the salary of seventy-five dollars per month for not exceeding four months in any calendar year, said salary to be paid by said county in monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the assessor is paid.

8. The district attorney, two thousand four hundred dollars per annum.

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

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

11. The superintendent of schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

Justices of
the peace,
salaries
and fees.

13. In counties of this class justices of the peace shall receive the following compensation: Justices of the peace who have their offices at the county seats, fifty dollars per month, which shall be in full for all services rendered by them in criminal cases, and also such fees as are now or may hereafter be allowed by law for all services performed in civil actions; *provided*, that said justice of the peace shall have regular office hours, and shall be in attendance at their said offices not less than

three hours of each and every day, except Sundays and holidays, between the hours of nine A. M. and five P. M. Justices of the peace whose offices are not at the county seats, shall receive such fees as are now or may hereafter be allowed by law in both civil and criminal cases.

14. Constables, such fees as are now or may hereafter be allowed by law. Constables.

15. Each member of the board of supervisors, two hundred and fifty dollars per annum; mileage from residence to county seat at each sitting of the board, twenty cents per mile, also three dollars per day, and actual traveling expenses in discharging the duties of road commissioner, but he shall not in any one year receive more than three hundred dollars as road commissioner. Super-
visors.

16. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, and coroners' inquests, a per diem of ten dollars, and for transcription of said notes when required during the progress of a trial, he shall receive the sum of twenty-five cents for the original and five cents per folio for one copy; but if such transcription is not required until after conclusion of the trial, then he shall receive the sum of ten cents per folio for original, and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside the county seat. Official
reporter.

SEC. 2. This act shall take effect and be in force from and after the first Monday of January, 1911.

CHAPTER 137.

An act authorizing the payment of assessments levied in Reclamation District No. 791 to be made to the county treasurer of the county of Sacramento.

[Approved March 8, 1909.]

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

SECTION 1. All assessments hereafter levied upon any of the lands situated within Reclamation District No. 791, and embracing a body of land situated partly in the county of Sacramento and partly in the county of Sutter, shall be paid to the county treasurer of the county of Sacramento, to be applied according to law. Certain
Sutter
county
assess-
ments,
where pay-
able.

SEC. 2. This act shall take effect immediately.

CHAPTER 138.

An act to amend section three thousand and seventy-five of the Political Code of the State of California relating to the office of the state registrar of the bureau of vital statistics and the state board of health, and providing for deputies, clerks and assistants and their compensation.

[Approved March 8, 1909.]

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

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

State board
of health,
assistants
and sal-
aries.

3075. There shall be a competent statistician and a deputy statistician to assist the state registrar of the bureau of vital statistics, and one clerk to the state board of health, all of whom shall be appointed by the state board of health. The statistician shall receive an annual salary of twenty-four hundred dollars, the deputy statistician an annual salary of sixteen hundred dollars, and the clerk an annual salary of sixteen hundred dollars. All such salaries shall be paid in the same manner and at the same time as the salaries of state officers. The state board of health may employ and fix the compensation of other and additional clerical and professional assistants, but such compensation shall be paid from its fund for contingent expenses, provided in the general appropriation act.

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

CHAPTER 139.

An act to add two new sections to the Political Code, to be numbered 3196a and 3196b, relating to the protection of farm names.

[Approved March 8, 1909.]

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

SECTION 1. Two new sections are hereby added to the Political Code, to be numbered 3196a, and 3196b, and to read as follows:

Registra-
tion
farm
name.

3196a. Any person may adopt a name for any farm or estate owned or leased by him, and register it in the manner provided for the registration of trade-marks. Such registration shall have the same effect as the registration of a trade-mark.

3196b. Any person selling or marketing the products grown on any particular farm or estate may use the name of such farm or estate as a trade-mark on such products, in the same manner as provided for other trade-marks in section 3196 of this code, and subject to the same rights and duties as provided in this article. Trade-mark on products.

CHAPTER 140

An act to amend section twenty-two and one-half of an act entitled, "An act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the state for the constructing of sewers and other sanitary purposes, the acquisition of the property thereof; the calling of election in such district; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

[Approved March 9, 1909.]

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

SECTION 1. Section twenty-two and one-half of an act entitled, "An act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the state for the construction of sewers and other sanitary purposes, the acquisition of the property thereof; the calling of election in such district; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March thirty-first, one thousand eight hundred and ninety-one, is hereby amended so as to read as follows: Sanitary districts.

Section 22½. The boundaries of any sanitary district may be altered, and outlying contiguous territory in the same county as such sanitary district annexed thereto in the manner following: Alteration of boundaries, manner of.

A petition signed by the owner or owners representing more than one half of the assessed valuation of such contiguous territory proposed to be annexed as shown by the last equalized assessment book of the county in which said sanitary district is situated, designating specifically the boundaries of such contiguous territory proposed to be annexed, and the assessed valuation thereof as shown by said last equalized assessment book, and stating that such territory is not within the limits

of any other sanitary district, and asking that such territory be annexed to said sanitary district, shall be presented to the sanitary board thereof.

Consideration of petition.

At their first regular meeting after the presentation of said petition said sanitary board shall take up and consider the same. If such petition is disapproved, such disapproval shall be entered upon the minutes of the board, and no further proceedings shall be taken in regard to such annexation until a new petition is filed. If said petition be approved by said board, such approval shall be entered upon the minutes of said board and endorsed upon said petition, and said petition shall thereupon be transmitted to and filed with the board of supervisors of the county in which such sanitary district is situated. Said board of supervisors, at its next regular meeting after the filing of said petition, shall by order alter the boundaries of said sanitary district and annex thereto the contiguous territory described in said petition. Such order shall be conclusive evidence of the validity of all prior proceedings leading to such annexation and recited in said order, and from and after the same such territory shall become and be a part of such sanitary district.

Taxation of annexed territory.

The property within such territory so annexed shall be taxed, together with the remainder of said district, to pay its proportion of the unpaid bonded or other indebtedness of such sanitary district existing at the time of such annexation incurred for the cost of construction, estimated as hereafter provided, of main sewers already constructed in said district, and also to pay the running expenses of said district. The engineer of such district shall, when required by the sanitary board thereof, estimate the unpaid cost of construction of all main sewers, already constructed in said district at the time of such annexation, and such estimate when approved by the sanitary board shall be final and conclusive and shall be the basis upon which said sanitary board shall tax said annexed territory.

Call for bond election.

At any time after the annexation of such contiguous territory the sanitary board may, by an order entered in the minutes, call an election within such annexed territory for the purpose of determining whether bonds shall be issued for the construction of sewers therein. Such order shall fix the day of the election and shall specify the amount of money to be raised, and shall state in general terms the purposes for which it is to be raised. A copy of such order shall be posted for four successive weeks prior to the election in at least three public places within such annexed territory in said district, and shall be published for four successive weeks prior to the election in some newspaper published within the district, if there be one, and if not, in some newspaper published in the county. It shall be sufficient if the order be published once a week.

Arrangements for election.

At any time prior to the day fixed for the election the board shall select one polling place within said annexed territory,

appoint officers of election therein, and make all necessary and proper arrangements for holding the election. The tickets shall contain the words, "For the issuance of bonds as proposed by the sanitary board," or "Against the issuance of bonds as proposed by the sanitary board."

The election shall be conducted in accordance with the general election laws of the state so far as the same shall be practicable, except as herein otherwise provided.

Every qualified elector, resident within such annexed territory for the length of time necessary to enable him to vote at a general election, shall be entitled to vote at the election above provided for.

After the votes shall have been announced the ballots shall be sealed up and delivered to the secretary or president of the sanitary board, which shall, as soon as practicable, proceed to canvass the same, and shall enter the result on its minutes. Such entry shall be conclusive evidence of the fact and regularity of all the prior proceedings of every kind and nature provided by this act or by law, and of the facts stated in such entry, and if at such election two thirds of the votes cast be in favor of the issuance of bonds as proposed by the sanitary board, the said board shall thenceforth have full power and authority to issue and dispose of bonds as proposed in the order calling the election.

All bonds so issued shall be of such denomination as the sanitary board may determine, except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars. Such bonds shall be payable in gold coin of the United States at the office of the county treasurer of the county wherein said district is situated and shall bear interest at a rate not exceeding five per centum per annum, which interest shall be payable semi-annually in like gold coin. Not less than one twentieth part of the total issue of bonds shall be payable each year on a day to be specified by the sanitary board, but no bond shall be payable in installments, but each bond issued hereunder shall be payable in full on the date specified therefor by said board. Each bond shall be signed by the president and countersigned by the secretary of the sanitary board, and said bonds shall be numbered consecutively beginning with number one, and shall have coupons attached referring to the number of the bond to which they are attached, which coupons shall be signed by the president and countersigned by the secretary of said board.

The bonds must be disposed of by the sanitary board in such manner and in such quantities as may be determined by such board in its discretion, but no bond must be disposed of for less than its face value.

The proceeds of such sale shall be deposited with the county treasurer and shall be by him placed in the fund to be called "The sewer construction fund of annexed territory of _____ sanitary district" (naming it). The money in such fund shall be used for the purposes indicated in the order calling

Conduct of.

Qualifications of electors.

Canvass of returns.

Bonds, denomination, rate of interest, etc.

Sale of bonds.

Proceeds of sale.

the election upon the question of the issuance of the bonds, and for no other purpose; *provided* that if after such purposes are entirely fulfilled any balance remains in such fund, such balance may by the order of the sanitary board be transferred to the "bond, interest and redemption fund" for the redemption of bonds and the payment of interest thereon, issued under the provisions of this section.

If the result of the election be against the issuance of bonds no other election upon the question shall be called or held for a period of one year.

Bond tax
levy.

It is hereby made the duty of the sanitary board to levy each year upon the property within the said annexed territory a sufficient tax to pay off the interest accruing upon said bonds for the respective year as each falls due, and also to pay at least one twentieth of the principal of said bonds so that the entire amount of the principal and interest of said bonds shall be paid within twenty years from the date of the issuance of said bonds; and it is hereby made the duty of the tax collector, or such other person as may be charged with the duty of collecting the sanitary district taxes, to collect the tax so to be levied, and the duty of the sanitary board to order the same paid in manner and form as provided by this act, and the duty of the county treasurer to pay the same. If, for any reason, any portion of the tax for any year remains unpaid, and in consequence thereof any portion of the interest or principal due for any year remains unpaid, the same shall be added to and levied for the next year, and be collected and paid accordingly.

Payment
of bonds.

The payment of the whole amount of the principal and interest of all of said bonds, within twenty years from their issuance, is hereby made the imperative duty of the annexed territory; and, if necessary for that purpose, a special tax shall be levied by the sanitary board on the property situate in said annexed territory; and it is hereby made the duty of every officer and board to do his respective part towards the levy, collection and payment of such tax; and mandamus shall issue from the superior court of the county in which the district is situated, or from any other competent court upon the application of any party interested for the purpose of compelling the performance of the duty imposed by this act upon any and all boards and officers.

Proceed-
ings to
determine
validity of
bonds.

If the result of any election upon the question of the issuance of bonds for such annexed territory be in favor of such issuance, the sanitary board may, in their discretion, before such issuance, commence in the superior court of the county a special proceeding to determine their right to issue such bonds and the validity thereof, similar to the proceedings in relation to irrigation bonds provided for by an act entitled, "An act supplemental to 'An act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes,' approved March seventh, eighteen hundred and eighty-seven, and

to provide for the examination, approval, and confirmation of proceedings for the issue and sale of bonds issued under the provisions of said act," and all the provisions of said act shall apply to and govern the proceedings so to be commenced by the sanitary board, so far as the same are applicable; and said proceedings shall be in accordance with the provisions of said act so far as the same are applicable, and the judgment in such proceedings shall have the same effect as a judgment in relation to irrigation bonds under the provisions of said act.

SEC. 2. All acts, and parts of acts, in conflict with this act, or any portion thereof, are hereby repealed.

SEC. 3. This act shall take effect immediately.

CHAPTER 141.

An act to amend section 2524 of the Political Code relating to the jurisdiction, powers and duties of the board of state harbor commissioners.

[Approved March 10, 1909.]

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

SECTION 1. Section 2524 of the Political Code is hereby amended to read as follows:

2524. The commissioners shall have possession and control of that portion of the bay of San Francisco, together with all the improvements, rights, privileges, easements, appurtenances connected therewith, or in any wise appertaining thereto, for the purposes in this article provided (excepting such parcels thereof as are held by the lessees, or their assigns, on valid leases, which parcels so held it is hereby made the duty of the commissioners to take possession of, together with the improvements thereon, as soon as said leases terminate, and also to see that the lessees, or their successors or assigns, do not exercise rights and privileges that are not conferred by said leases), bounded as follows, to wit: Commencing at the point where the easterly line of the Presidio reservation intersects the water-line front, as established by the board of state tide land commissioners; thence easterly along said water-line front to the center of Webster street; thence southerly along the center of Webster street to the center of Lewis street; thence easterly along the center of Lewis street to the center of Polk street; thence southerly along the center of Polk street to the center of Tonquin street; thence easterly along the center of Tonquin street to the center of Larkin street; thence southerly along the center of Larkin street to the center of Jefferson street; thence easterly along the center of Jefferson street to the center of Powell street; thence southerly along the center of Powell

Possession and control of what portion of bay of San Francisco.

Boundaries.

Boundaries.

street to the center of Beach street; thence easterly along the center of Beach street to the center of Dupont street; thence southerly along the center of Dupont street to the center of North Point street; thence easterly along the center of North Point street to the center of Kearny street; thence southerly along the center of Kearny street to the center of Francisco street; thence easterly along the center of Francisco street to the center of Montgomery street; thence southerly along the center of Montgomery street to the center of Chestnut street; thence easterly along the center of Chestnut street to the center of Sansome street; thence southerly along the center of Sansome street to the center of Lombard street; thence easterly along the center of Lombard street to the center of Battery street; thence southerly along the center of Battery street to the center of Greenwich street; thence easterly along the center of Greenwich street to the center of Front street; thence southerly along the center of Front street to the center of Vallejo street; thence easterly along the center of Vallejo street to the center of Davis street; thence southerly along the center of Davis street to the center of Pacific street; thence easterly along the center of Pacific street to the westerly line of East street; thence southerly along the westerly line of East street to the center of Folsom street; thence westerly along the center of Folsom street to the center of Steuart street; thence southerly along the center of Steuart street to the center of Harrison street; thence southerly on a direct line with said Steuart street two hundred and fifty-three feet nine inches, to the center of a street the name of which is not on the map; thence at right angles westerly along the center of said street to the center of Spear street; thence southerly along the center of Spear street to the center of Bryant street; thence westerly along the center of Bryant street to the center of Beale street; thence southerly along the center of Beale street to the center of Brannan street; thence westerly along the center of Brannan street to the center of First street; thence southerly along the center of First street to the center of Townsend street; thence westerly along the center of Townsend street five hundred and fifty feet, to the center of a street the name of which is not on a map; thence at right angles southerly along the center of said street to the center of King street; thence westerly along the center of King street to the center of Second street; then southerly along the center of Second street to the center of Berry street; thence westerly along the center of Berry street to the center of Third street; thence southerly along the center of Third street to the northerly line of Channel street; thence westerly along the last-mentioned line to the easterly line of Fifth street; thence southerly along said last-mentioned line to the southerly line of said Channel street; thence easterly along said last-mentioned line to the center of Kentucky street; thence southerly along the center of Kentucky street to the center of Fourth street; thence along the center of Fourth street to the center of Louisiana street; thence southerly along the center of Louisiana street to the center of El Dorado street; thence westerly along

the center of El Dorado street to the center of Illinois street; thence southerly along the center of Illinois street to the center of Solano street; thence easterly along the center of Solano street to the water front line established by the board of state tide land commissioners; thence southerly along said last-mentioned line to the center of Tulare street; thence westerly along the center of Tulare street to the center of Texas street; thence southerly along the center of Texas street to the center of Islais street; thence easterly along the center of Islais street to the center of Waterfront street; thence southerly along the center of Waterfront street to the center of India street; thence westerly, southerly and easterly along the center of said India street to the center of Waterfront street, to the center of China street; thence westerly along the center of China street to the center of Third avenue; thence southerly along the center of Third avenue to the northerly line of the property of the California Dry Dock Company; thence easterly along said last-mentioned line to the water front established by the board of state tide land commissioners; thence southerly along and around said Dry Dock Company's land to the southeasterly corner thereof; thence westerly along the line of said land to the center of Waterfront street; thence southerly along the center of Waterfront street to the center of Nineteenth avenue; thence westerly along the center of Nineteenth avenue to the center of Dock street; thence southerly along the line of Dock street to the center of Twenty-third avenue; thence westerly along the center of Twenty-third avenue to the center of H street; thence southerly along the center of H street to the center of Twenty-fourth avenue; thence easterly along the center of Twenty-fourth avenue to the center of Waterfront street; thence southerly along the center of said Waterfront street to the southern boundary of the city and county of San Francisco; thence along the southerly, easterly and northerly boundary lines of said city and county to a point due north of the place of commencement, and thence south to the place of commencement. But no harbor embankment or seawall shall be constructed outside of the following-named points and lines, to wit: Commencing at the point where the eastern boundary line of the Presidio reservation, extended in a northerly direction, intersects the three-fathom contour line shown upon the chart of the United States survey, and running thence in an easterly and southerly direction, upon straight or curved lines, in such a manner as to approach as near as practicable the extreme outer projections of the water-line front, as described in an act to provide for the disposition of certain property of the State of California, passed March twenty-sixth, in the year of our Lord eighteen hundred and fifty-one, to a point at or near the intersection of Second and Berry streets; thence continuing southerly, upon straight or curved lines, in such a manner as to approach as near as practicable the extreme outer projections of the water-line front, as established by the board of state tide land commissioners, to the southerly boundary of said city and county of San Francisco; and said commissioners, in addition to a

boundaries.

Seawalls, boundaries of.

General authority of commissioners.

general control over said premises shall have authority to use for loading and landing merchandise, with a right to collect dockage, wharfage and tolls thereon, such portion of the streets of the city and county of San Francisco, ending or fronting upon the waters of said bay as may be used for such purposes without obstructing the same as thoroughfares; and authority to rent an office in the city and county of San Francisco, between Montgomery, Market and Pacific streets and the city front; and purchase from time to time suitable books for the records of the secretary and accounts of the wharfingers, together with such stationery as may be required by the board; and to fix and regulate, from time to time, the rates of dockage, wharfage, crange, tolls and rents; and collect such an amount of revenue therefrom as will enable the commissioners to perform the duties required of them by authority of this article.

Wharves.

The commissioners shall construct such number of wharves as the wants of commerce shall require, and shall locate such wharves at such points and upon such lines as the board may deem most suitable for the best interests of commerce, and shall repair and maintain all the wharves, piers, quays, landings and thoroughfares the wants of commerce may require, and generally to erect all such improvements as may be necessary for the safe landing, loading and unloading, and protection of all classes of merchandise, and for the safety and convenience of passengers passing into and out of the city and county of San Francisco by water. And for the purpose of repairing said

Repairs.

wharves, piers, quays and landings, the commissioners are hereby authorized and empowered to purchase or construct pile-drivers, and the necessary machinery to be used therewith, and employ men for operating the same; nor shall any such wharf be constructed upon such place or line as will cause any slip or dock to be less than one hundred and thirty-six feet wide at the most narrow point between the wharves. The commis-

Works for preserving piles.

sioners are hereby authorized and empowered to purchase or construct works for preserving piles and timber, and the necessary machinery to be used therewith, and operate said works, and for that purpose to employ men and purchase chemicals, or such other materials as may be necessary for the preserving of piles and timber. The purchase of chemicals can be made without advertising for proposals therefor. When they deter-

Proposals for construct work.

mine that a new wharf shall be erected, or any other necessary improvement constructed, or repairs made, or dredging machines, pile-drivers, scows, steam tugs, or any necessary machinery or material obtained, the costs of which shall exceed three thousand dollars, they shall advertise for sealed proposals for a period not less than ten days, in one or more of the daily newspapers in the city and county of San Francisco. Every proposal shall be accompanied by a certified check for an amount equal to five per cent of the amount of such proposal, such check to be made payable to the order of the secretary of said board; conditioned, if the proposal is accepted and the contract awarded, and if the bidder shall fail or neglect to execute the contract and give the bond required within six days

after the award is made, in that case, the said sum mentioned in said check shall be paid into the state treasury by said secretary, as liquidated damages for such failure and neglect, as a portion of the San Francisco harbor improvement fund. Such advertisement shall contain a general description of the work to be done, the material to be used, the place where to be used, and must refer to specifications, which must contain a full and accurate description of the work to be performed, the material to be used, and where it is to be used; which specifications shall be kept in the office of the secretary of the board in such manner that all persons may inspect the same during the usual business hours of all days except Sundays and holidays. On a day named in the advertisement, the commissioners shall open the bids in the presence of such bidders as are present, and award the contract to the lowest bidder, who shall furnish sufficient sureties to guarantee the performance of the work. If, in the opinion of the commissioners, the bids are too high, they may reject them, and advertise anew in like manner as before. If, in the opinion of the commissioners, the second bids are too high, they may reject them likewise, and enter into contract with responsible parties without giving further notice. Any contract entered into without giving public notice and receiving bids, must be at least ten per cent lower than the lowest rejected bid. The board may construct such harbor embankment or seawall as shall be necessary to protect the harbor of San Francisco, and dredge such number of slips and docks as the commerce of the port of San Francisco may require, to a depth that will admit of the easy and free ingress and egress of all classes of watercraft that load and discharge cargoes at the wharves, piers, quays, landings, and thoroughfares in the harbor of San Francisco; to perform which dredging the board of state harbor commissioners are hereby authorized and empowered to purchase or construct dredging machines, scows, steam tugs, and the necessary machinery, and employ men for operating the same. When any portion of the premises described in this article shall be dredged, the sand, mud, or other substance shall be deposited in a place designated by the board, in not less than fifteen fathoms of water. All classes of watercraft that uses or makes fast to any wharf, pier, quay, landing, or thoroughfare, and lands upon or loads therefrom any goods, wares, or merchandise, shall be liable and must pay the commissioners such rates of dockage as shall be fixed by authority of this article; and all such watercraft as shall discharge or receive any goods, wares, or merchandise, while moored in any slip, dock or basin within the jurisdiction of the commissioners, shall pay one half the regular rates of dockage. Any watercraft that shall leave any wharf, pier, quay, landing, thoroughfare, slip, dock, or basin, unless forced to do so by stress of weather, without first paying the dockage due from such vessel, shall be liable to pay double the regular rates. The charge for wharfage and tolls shall be a lien upon all goods, wares and merchandise landed upon any of

Advertisement to contain what.

May construct seawall and dredge slips.

Dockage, who liable for.

Tolls to be a lien on goods.

the wharves, piers, quays, landings or thoroughfares upon the premises described in this article; and the commissioners, their agents or lessees, may hold possession of any such goods, wares, or merchandise so landed as aforesaid, to secure the payment of such wharfage and tolls; and for the purpose of such lien are deemed to have possession of such goods, wares and merchandise so landed until such charge for wharfage and tolls are paid. The commissioners shall have power to make reasonable rules and regulations concerning the control and management of the property of the state which is intrusted to them by virtue of this article, and said commissioners are hereby authorized and required to make, without delay, and from time to time, and publish not less than thirty days in a daily newspaper of general circulation published in the city and county of San Francisco, all needful rules and regulations not inconsistent with the laws of the state or of the United States in relation to the mooring and anchoring of vessels in said harbor, providing and maintaining free, open, and unobstructed passageways for steam ferryboats and other steamers navigating the waters of the bay of San Francisco and the fresh-water tributaries of said bay so that such steamers can conveniently make their trips without impediment from vessels at anchor or other obstacles. And said commissioners may also make all needful rules and regulations governing the removal of such vessels from the wharves and other landings, and from slips and docks as are not engaged in receiving or discharging cargo, prescribing the time during which goods, wares, and merchandise landed upon any wharf, pier, quay, landing, or thoroughfare shall be permitted to remain thereon, and may divide the same into several classes, and may, by such rules and regulations, provide that in case any such goods, wares, or merchandise remain upon any wharf, pier, quay, landing, or thoroughfare beyond the term so prescribed, the respective wharfinger may, under the order of the commissioners, remove and deposit the same in a suitable place, at the charge, risk, and expense of the owner thereof. When any goods, wares, or merchandise shall have remained upon any wharf, pier, quay, landing, or thoroughfare more than twenty-four hours, the commissioners may, in their discretion, charge such additional rates for each subsequent day as in their opinion is just and equitable. The commissioners may, in their discretion, set apart and assign for the exclusive use of the watercraft used by the officers of the federal government, such convenient and safe landings as such officers may require, together with suitable premises near such landings as may be set apart and assigned for their use, upon which premises such officers may cause to be erected offices and storerooms to suit their convenience; and the commissioners shall charge a reasonable compensation per month for the use of such landings and office and storeroom premises; set apart and assign a suitable and proper locality for the use of the harbor police of the city and county of San Francisco, and also a suitable place for a boat-house station, for the exclusive use of the quarantine and health officers of said city and county, without compensation; set apart

Rules and regulations.

Landings for use of federal government.

For police use.

and assign, for the exclusive use of steam ferryboats, suitable slips, in which such structures may be erected as will secure the safe and convenient landing of passengers and safe landing and delivery of freight; set apart and assign suitable wharves, berths, or landings for the exclusive use of vessels; to construct suitable sheds, gates and other temporary structures as may be necessary for the safe and convenient landing of passengers and safe landing and delivery of freight; and set apart and assign, for the sole and exclusive use of the fishermen of the city and county of San Francisco, such place or places as the said commissioners shall deem proper, sufficient, and adapted for the requirements and necessities of said fishermen; *provided*, the premises set apart by said commissioners shall be used only for the legitimate business of said fishermen, and for no other purpose; and *provided*, said commission shall not charge therefor more than the following rates: For boats over twenty-two feet and under forty feet long, one dollar per week; for boats from sixteen to twenty-two feet long, seventy-five cents per week; and for all boats less than sixteen feet long, twenty-five cents per week. The commissioners may assign suitable places for the landing of horses, cattle, sheep, swine; and when such places have been assigned, it shall be a misdemeanor for a commander of any watercraft to land any greater number than ten at any one time from any watercraft at any other place. The commissioners may set apart, for the uses and purposes of dry docks and marine railways, such portions of the water front northwesterly of the northerly end of Kearny street, and southerly of the easterly end of Solano street, as the wants of commerce may require. The commissioners shall not have the right to renew any lease, or to lease any premises under their control for any purpose whatever, except as otherwise specially provided, but they may permit any property under their control to be used by any corporation, firm, association, person, or company, but in no case shall any corporation, firm, association, person, or company enjoy the use of any of the property under the commissioners' charge, except such use as shall be terminated as herein provided; and the said commissioners may condemn, purchase, and pay a reasonable compensation for such structures as may have been erected upon the said premises, which structure, in the opinion of the board and engineer may be useful for such commercial purposes as this article is intended to promote. No person or company shall land or remove any goods, wares or merchandise, or other things, upon or from any wharf, pier, quay, landing, or thoroughfare situated upon the premises described in this article; nor shall any corporation, firm, association, company or person collect dockage, wharfage, crantage, or toll within the boundaries of the premises described in this article, without first obtaining permission to do so from said commissioners. Any use permitted of the property by the commissioners may be terminated at any time by them, on thirty days' previous notice to the party or parties so using the same. Said board may, when the wants of commerce require, lay down such number of tracks along and on any portion of said water

For ferry-boats.

For passengers.

For fishermen.

For horses, etc.

For marine railways.

Leases of premises.

Permits to land goods, etc.

Spur tracks.

front as may be necessary to meet such wants, and permit the use thereof to any corporation or association, or any person or persons, under such rules, regulations, and at such compensation as said board may determine; and make such agreements with persons, firms and corporations owning spur or industry tracks relative to the use by the state of such tracks as said board may determine to be necessary; *provided*, that no special privileges shall be awarded thereon to any corporation, association, person or persons; *provided* that nothing herein shall apply to or restrict the use of any premises leased for terminal facilities under or by reason of an act of the legislature entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to amend section six of an act entitled 'An act concerning the water front of the city and county of San Francisco.' approved March fifteenth, eighteen hundred and seventy-eight, and to confer further powers upon the board of state harbor commissioners," approved March seventeenth, eighteen hundred and eighty,' approved March nineteenth, eighteen hundred and eighty-nine, conferring further powers upon said board," approved March twenty-six, eighteen hundred and ninety-five, and which has not been declared forfeited by the board of harbor commissioners; *and provided further*, that switches from said railroad track or tracks may, with the permission of said board, and under the limitations and conditions of this act, be constructed by corporations, or any person or persons, leading to any warehouse or place of business. Nor shall any person or company place, or cause to be placed, any obstructions in that portion of the bay of San Francisco described in this article, nor upon any wharf, pier, quay, landing, or thoroughfare, without the consent of the board. Whenever any wharf, pier, quay, landing, or thoroughfare in the harbor of San Francisco shall be incumbered, or their free use interfered with, by goods, wares, merchandise, or other substance, whether loose, or built upon, or fixed to any such wharf, pier, quay, landing, or thoroughfare, it shall be the duty of the commissioners to notify, in writing (which service may be served by a wharfinger, or the secretary or assistant secretary of the board), the owner, agent, or occupant, or person placing or keeping such obstruction thereon, to remove the same within twenty-four hours after the serving of such notice; and in case of failure to comply with such notice, and remove such obstructions, the owner, agent, occupant, or person notified shall be liable to pay the commissioners the sum of twenty-five dollars for each and every day during which such obstruction shall remain upon any such wharf, pier, quay, landing, or thoroughfare; and the commissioners shall have power, in their discretion, to remove any such incumbering substance, and store the same in any suitable, convenient, and safe place, and a sum equal to the amount of the expenses of the removal, together with all other necessary charges, shall be paid by the owner of such incumbering substance to the commissioners, and such sum and necessary charges shall be a lien on such substance until paid. Dockage shall not be collected on any vessel lying at

Premises
leased for
terminal
facilities.

Switches.

Obstruc-
tions.

Notice to
remove
obstruc-
tions.

anchor outside of dock, wharf, or slip. Nothing in this section shall be construed as authorizing the board of harbor commissioners to construct any railroad along and upon any open canal extending inland from said water front. But said harbor commissioners may, when a water front railroad shall be constructed by them, construct the same across the outlet of such open canal.

Railroads along open canals.

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

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

CHAPTER 142.

An act to add a new section to the Political Code of the State of California, to be numbered 1195a, relating to the advertising of amendments to the constitution.

[Approved March 10, 1909.]

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

SECTION 1. A new section is hereby added to the Political Code of the State of California to be numbered section 1195a, and to read as follows:

1195a. The sheet or pamphlet containing the proposed constitutional amendments, provided for in section 1195 of this code, shall also contain the corresponding constitutional provisions as then in force, and the parts of the proposed amendment different from the existing provisions shall therein be distinguished in print, so as to facilitate comparison. Three copies of the constitution, in the form of pamphlets to be supplied by the secretary of state, shall be kept at every polling place, while an election, is in progress, so that they may be freely consulted by the electors.

What printed sheet must contain.

CHAPTER 143.

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

[Approved March 10, 1909.]

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

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

1715. Libraries may be maintained under the control of the district board of trustees or city board of education, and in

Control of library.

County
library.

such case shall be open to the use of the teachers, pupils and all residents of the district. Wherever practicable, the library shall be kept open during vacation and non-school days. Whenever the county in which a district is situated, shall maintain a county library, the board of school trustees or city board of education may agree with the proper authorities of such county to make the school library a branch of such county library. In such event, such board of school trustees or city board of education shall turn over the books and other property of the district library to the county library, and shall annually transfer to such county library its library fund, as soon as it is available, to be kept and expended as other funds of such county library. The said county library shall thereupon make such district library a branch library, managed and maintained according to the rules and regulations established by the authorities of the county library.

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

Librarian.

1716. The board of school trustees of a district maintaining its own library shall have power to appoint a teacher or other proper person librarian of the district library. It shall be the duty of such librarian, to manage such library as efficiently as possible, and whenever expedient request the advice and assistance of some person experienced in the art of managing libraries. Whenever a district library shall have become a branch library, as provided in section 1715 of this code, the provisions of subdivision 2 of section 1712, and of section 1717 of this code shall not apply to them; but in all such cases the county, or city, or county and city, superintendent of schools may draw a warrant for the whole amount of the district library fund, payable to the proper authorities of the county library, upon the filing with him of a copy of the resolution of the board of trustees of the district, or city board of education, embodying the agreement made with such county library, which copy shall be duly certified as correct by the clerk of the district, or other proper officer.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 144.

An act to amend section 161a of the Penal Code of California relating to falsely advertising as an attorney.

[Approved March 10, 1909.]

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

SECTION 1. Section 161a of the Penal Code of California is hereby amended to read as follows:

161a. Any person other than a regularly licensed attorney who advertises himself as practicing or entitled to practice law in any court of justice is guilty of a misdemeanor. Who may advertise.

CHAPTER 145.

An act to add a new section to the Political Code, to be numbered section 4052b, relating to the disposition of property of the counties.

[Approved March 10, 1909.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered section 4052b, and to read as follows:

4052b. The board of supervisors of any county owning real property situated in any incorporated city or town, which property is not in use for any public purpose, and in the judgment of the board is not needed for such use, may by unanimous vote convey said real property to such incorporated city or town for public park purposes, without consideration other than the agreement of such city or town to establish and maintain a public park thereon. Public parks, conveyance for.

CHAPTER 146.

An act to amend section 1492 of the Political Code of the State of California, relating to the duties of the joint board of state normal school trustees.

[Approved March 10, 1900.]

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

SECTION 1. Section fourteen hundred and ninety-two of the Political Code of the State of California is hereby amended to read as follows:

Of whom
composed.

1492. There shall be a joint board of state normal school trustees, to be composed of the governor, the superintendent of public instruction, the presidents of the different state normal schools, the chairman and two other members of each normal school board. The two members besides the chairman of each local board shall be selected by the respective local boards for every joint meeting. Said joint board shall meet on the second Friday of April in each year, alternately at the different state normal schools. The first meeting after the passage of this act shall be at San Diego, the second meeting at San Francisco, the third at San Jose, the fourth at Chico, and the fifth at Los Angeles. Thereafter the places of meeting shall be in the order mentioned above. Special meetings may be called at any time and at any place by the governor for the transaction of any urgent business affecting the welfare of any or all of the state normal schools, when in his judgment it is necessary. The governor shall be ex officio chairman of said joint board of normal school trustees.

Meetings.

Powers
and duties.

The powers and duties of said joint board of normal school trustees are as follows:

1. To prescribe and enforce a uniform series of text-books for use in state normal schools; the state series of text-books shall be used when published, in the grades and classes for which they are adapted.

2. To prescribe and enforce a uniform course of study, which shall include manual training; domestic science; agriculture; physiology and hygiene, and the methods of distinguishing such physical defects as tend to retard the physical and mental development of the child; and shall determine the time and standard for graduation from the state normal schools.

3. To prescribe a uniform standard of admission for students entering the normal schools, and for transfer of pupils from one normal school to another; *provided*, that a student for good cause may, upon recommendation of the president of the school from which he seeks to be transferred, enter any other normal school and without examination be admitted to classes corresponding to those in the school which he has left.

4. To sit as a board of arbitration in matters concerning the management of each state normal school that may need adjustment.

5. The joint board shall also have the power to pass any general regulations that may be applied to all the state normal schools, thus affecting their well being.

6. Members in attending the meetings of the joint board shall receive mileage while in actual attendance upon the meeting, the same to be paid out of any appropriation made by the legislature for that purpose.

7. The superintendent of public instruction shall be the secretary of the joint board. The secretary shall keep a full record of all proceedings of the joint meetings of the trustees, and shall notify the secretary of each board of trustees of any changes made in the course of study, or the text-books to be adopted.

CHAPTER 147.

An act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California as recommended in the special report of the California debris commission, dated June 30, 1907, and made jointly by John Biddle, lieutenant colonel, corps of engineers, C. H. McKinstry, major, corps of engineers, and Thomas H. Jackson, captain, corps of engineers, of the United States army, and printed with the annual report of the chief of engineers of the United States army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

[Approved March 10, 1909.]

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

SECTION 1. The sum of four hundred thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be available January 1, 1910, for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California as recommended in the special report of the California debris commission, dated June 30, 1907, and made jointly by John Biddle, lieutenant colonel, corps of engineers, C. H. McKinstry, major, corps of engineers and Thomas H. Jackson, captain, corps of engineers, of the United States army, and printed with the annual report of the chief of engineers of the United States army for the fiscal year ending June 30, 1907.

Appropriation.

Improvement of navigation.

Conditions imposed.

SEC. 2. This act shall become operative only upon condition that the government of the United States shall, under, by and through the war department, assume full charge and control of all work to be done as provided by this act, and also upon condition that a like sum of four hundred thousand dollars be appropriated by the United States for such work.

To whom appropriation is payable.

SEC. 3. The amount hereby appropriated shall be paid to the treasurer of the United States whenever a like sum of four hundred thousand dollars shall have been appropriated or authorized to be appropriated by the congress of the United States, conditioned on the payment of an equal amount for the prosecution of the work hereinbefore set forth by the State of California. *Provided*, that the whole of such amounts appropriated by the congress of the United States and by the State of California shall be expended under the direction of the secretary of war and the supervision of the chief of engineers of the United States.

SEC. 4. The controller of the State of California is hereby authorized and directed to draw his warrant on the state treasurer in favor of the treasurer of the United States for the amount hereby appropriated, and the state treasurer is hereby directed to pay the same.

CHAPTER 148.

An act to provide for additional equipment at the state normal school at San Diego, California, and making an appropriation therefor.

[Approved March 10, 1909.]

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

Appropriation.

Purchase of equipment.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars, to be expended by the board of trustees of the State Normal School at San Diego for the purpose of purchasing additional equipment for the State Normal School at San Diego, California.

SEC. 2. The state controller is hereby directed to draw his warrants in favor of the board of trustees of said state normal school, for the money herein appropriated, and the state treasurer is hereby directed to pay said warrants.

Audit of bills.

SEC. 3. All bills for any article or articles purchased, shall be first audited by the board of trustees of said state normal school, and approved by the state board of examiners before being paid.

CHAPTER 149.

An act appropriating thirty-five hundred dollars for repairs on the main building of the Whittier State School.

[Approved March 10, 1900.]

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

SECTION 1. The sum of thirty-five hundred dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be expended for repairs on the main building of the Whittier State School.

Appropriation.
Repairs on main building.

SEC. 2. The state controller is hereby authorized to draw his warrant in favor of the board of trustees of the Whittier State School for the amount herein appropriated, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall be exempt from the provisions of the act of the legislature approved March 23, 1876, relating to state erections and buildings, and all acts amendatory thereto.

Exemption.

CHAPTER 150.

An act to amend the Code of Civil Procedure of the State of California by adding a new section thereto to be known as section 1559, relating to payment of commissions upon sales of real property, under order of court.

[Approved March 10, 1900.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be known as section 1559 and to read as follows:

1559. In any order of sale of real estate or subsequent to making any such order the court may authorize any executor or administrator to enter into a contract with any bona fide real estate agent to secure a purchaser providing for the payment by the estate to said agent of a commission, the amount of which shall be specified, payable out of the proceeds of any such sale. If a sale to a purchaser obtained by such agent is returned to the court for confirmation and said sale be confirmed to such purchaser, such contract shall be binding and valid as against the estate.

Commissions for sales of realty.

Liability
of execu-
tor.

By the execution of any such contract no personal liability shall attach to the executor or administrator, and no liability of any kind shall be incurred by the estate unless an actual sale is made and confirmed and unless such contract be by the court first authorized.

CHAPTER 151.

An act to amend section 2274 of the Civil Code of the State of California, relative to the compensation of trustees.

[Approved March 10, 1909.]

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

SECTION 1. Section twenty-two hundred and seventy-four of the Civil Code of the State of California is hereby amended to read as follows:

Compensa-
tion of
trustees.

2274. Except as provided in section 1700 of the Code of Civil Procedure, when a declaration of trust is silent upon the subject of compensation the trustee is entitled to the same compensation as an executor. If it specifies the amount of his compensation, he is entitled to the amount thus specified and no more. If it directs that he shall be allowed a compensation, but does not specify the rate or amount, he is entitled to such compensation as may be reasonable under the circumstances. If there are two or more trustees the compensation shall be apportioned among the trustees according to the services rendered by them respectively.

CHAPTER 152.

An act to amend section 1618 of the Code of Civil Procedure of the State of California relative to the compensation of executors and administrators.

[Approved March 10, 1909.]

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

SECTION 1. Section sixteen hundred and eighteen of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Compensa-
tion of
executors.

1618. When no compensation is provided by the will, or the executor renounces all claim thereto, he must be allowed commissions upon the amount of estate accounted for by him, as

follows: for the first thousand dollars, at the rate of seven per cent; for the next nine thousand dollars, at the rate of four per cent; for the next ten thousand dollars, at the rate of three per cent; for the next thirty thousand dollars, at the rate of two per cent; for the next fifty thousand dollars, at the rate of one per cent; and for all above one hundred thousand dollars, at the rate of one half of one per cent. If there are two or more executors the compensation shall be apportioned among them by the court according to the services actually rendered by them respectively. The same commission shall be allowed to administrators. In all cases, such further allowance may be made as the court may deem just and reasonable for any extraordinary service, but the total amount of such extra allowance must not exceed one half the amount of commissions allowed by this section. Where the property of the estate is distributed in kind, and involves no labor beyond the custody and distribution of the same, the commission shall be computed on all the estate above the value of twenty thousand dollars, at one half of the rates fixed in this section. Public administrators shall receive the same compensation and allowances as are allowed in this title to other administrators. All contracts between an executor or administrator and an heir, devisee or legatee, for a higher compensation than that allowed by this section, shall be void.

Administrators.

One half rates, when allowed.

CHAPTER 153.

An act to amend section 558 of the Code of Civil Procedure of the State of California, relating to the discharge of attachments.

[Approved March 10, 1900.]

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

SECTION 1. Section number 558 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

558. If upon such application, it satisfactorily appears that the writ of attachment was improperly or irregularly issued it must be discharged; *provided* that such attachment shall not be discharged if at or before the hearing of such application, the writ of attachment, or the affidavit, or undertaking upon which such attachment was based shall be amended and made to conform to the provisions of this chapter.

Discharge of attachment.

CHAPTER 154.

An act to amend section one thousand one hundred and ninety-five of the Political Code relating to constitutional amendments and providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the constitution and of the result to be effected by the proposed amendment.

[Approved March 10, 1909.]

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

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

Committee
to prepare
statement
on pro-
posed
amend-
ment.

1195. Whenever the legislature shall propose any amendment to the constitution of this state, which amendment shall have been passed in the manner required by section one of article eighteen of the constitution, the author of such amendment and one member of the same house who voted with the majority on the submission of such amendment and one member of the same house as the author who voted with the minority against the submission of such amendment, both of whom shall be selected by the presiding officer of such house, before the adjournment of the legislature and they shall within one year after the adjournment of the legislature prepare a brief statement showing the purpose of said amendment, and a comparative statement of the operation of the present section or article of the constitution, and the reasons advanced by the majority for its adoption, and the reasons advanced by the minority against its adoption, and any other reason why such amendment should be adopted, or be not adopted, and forward such article to the secretary of state, and the secretary of state shall cause to be printed at the state printing office, in convenient form, one and one half times as many copies of such statement as there are registered voters in this state, and in case the legislature shall submit any proposition to a vote by the qualified electors of the state, the secretary of state shall duly, and not less than twenty-five days before the election next ensuing, certify such amendment and proposition to the county clerk of each county of the state and shall cause to be printed at the state printing office one and one half times as many copies of said amendment and proposition as there are registered voters in the state, and at least thirty days before any election at which said proposition and amendment is to be voted on the secretary of state shall furnish each county clerk in the state with one and one half times as many copies of said amendment, proposition and statement as there are registered voters in his county. The clerk of each county shall thereafter cause to be mailed to each voter a copy of such amendment or proposition and of said statement, at the same time, in the

Statement
to be
printed.

Certificate
of secre-
tary of
state.

To be
mailed to
voters.

same manner and in the same envelope provided for in section one thousand one hundred and ninety-four of this code, and no other publication of said amendment or proposition shall be necessary or authorized.

CHAPTER 155.

An act appropriating money for the building and furnishing of a refectory building at the Preston School of Industry.

[Approved March 10, 1900.]

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

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of twenty thousand dollars for building and furnishing the refectory building at the Preston School of Industry.

Appropriation.

Refectory building.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the said board of trustees of the Preston School of Industry, for the amount appropriated by section one of this act, and the state treasurer is hereby directed to pay the same out of said appropriations.

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

Approval of plans.

Audit of bills.

SEC. 4. This act shall take effect immediately.

CHAPTER 156.

An act appropriating money for the building and furnishing of two cottages at the Preston School of Industry.

[Approved March 10, 1909.]

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

Appropriation.

Building cottages.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twenty thousand dollars, to be used by the trustees of the Preston School of Industry for the building and furnishing of two cottages at said school.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of said board of trustees of the Preston School of Industry for the amount of money appropriated by section one of this act, and the state treasurer is hereby directed to pay the same out of said appropriation.

Approval of plans.

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

Audit of bills.

SEC. 4. This act shall take effect July 1st, 1909.

CHAPTER 157.

An act providing for an appropriation of twenty-five hundred dollars to be used in the purchase of a boiler for the Whittier State School.

[Approved March 10, 1909.]

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

SECTION 1. The sum of twenty-five hundred dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be expended in the purchase of a one hundred and twenty-five horsepower boiler for the Whittier State School.

Appropriation.
Purchase of boiler.

SEC. 2. The state controller is hereby directed to draw his warrant in favor of the board of trustees of the Whittier State School for the amount herein appropriated, and the state treasurer is hereby directed to pay the same.

CHAPTER 158.

An act to amend section 2572 of the Political Code of the State of California, relating to the board of harbor commissioners of the port of Eureka, and to add a new section to the Political Code, to be known as section 2568 1-2, also relating to the board of harbor commissioners of the port of Eureka, and authorizing said board, with the consent of the attorney general, to employ, from time to time, an attorney.

[Approved March 10, 1909.]

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

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

2572. The commissioners of the board of harbor commissioners of the port of Eureka shall each receive a salary of four hundred dollars per annum. The secretary shall receive a salary of one thousand dollars per annum. The harbor master shall receive a salary of one thousand two hundred dollars per annum. All salaries of said commission and its officers herein named are to be paid out of the treasury of the State of California at the same time and in the same manner as are the salaries of other state officers. All other expenses of said commission necessarily incurred not to exceed fifteen hundred dollars per annum shall be paid by the state. For the

Salaries.

Continu-
ous appro-
priation.

purpose of paying said expenses there is hereby continuously appropriated out of any money in the state treasury, not otherwise appropriated, for each and every fiscal year the sum of fifteen hundred dollars, to be paid on the warrants of the state controller at such times and in such amounts as may be approved by the state board of examiners.

SEC. 2. A new section is hereby added to the Political Code of the State of California, to be known and numbered as section twenty-five hundred and sixty-eight and one half, and which section shall read as follows:

May em-
ploy an
attorney.

2568½. The board of harbor commissioners of the port of Eureka are authorized and empowered, after first procuring the written consent of the attorney general thereto, to employ, from time to time, an attorney and to fix his compensation, and whose employment may be terminated at any time at the pleasure of the board of harbor commissioners. The compensation of such attorney shall be paid out of the moneys appropriated by section 2572 of this code.

SEC. 3. This act shall take effect July 1st, 1909.

CHAPTER 159.

An act to amend sections 270, 270a and 270b of the Penal Code of California.

[Approved March 10, 1909.]

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

SECTION 1. Section 270 of the Penal Code of California is hereby amended so as to read as follows:

Non-sup-
port of
child.

270. A parent who willfully omits, without lawful excuse, to furnish necessary food, clothing, shelter or medical attendance for his child, is punishable by imprisonment in the state prison, or in the county jail, not exceeding two years, or by fine not exceeding one thousand dollars, or by both.

SEC. 2. Section 270a of the Penal Code of California is hereby amended so as to read as follows:

Non-sup-
port of
wife.

270a. Every husband having sufficient ability to provide for his wife's support, or who is able to earn the means of such wife's support, who willfully abandons and leaves his wife in a destitute condition, or who refuses or neglects to provide such wife with necessary food, clothing, shelter or medical attendance, unless by her misconduct he was justified in abandoning her, is punishable by imprisonment in the state prison, or in the county jail, not exceeding two years, or by fine not exceeding one thousand dollars, or by both.

SEC. 3. Section 270*b* of the Penal Code of California is hereby amended so as to read as follows:

270*b*. After arrest and before plea or trial, or after conviction or plea of guilty and before sentence under either section 270 or 270*a* of this code, if the defendant shall appear before the court and enter into an undertaking with sufficient sureties to the people of the State of California in such penal sum as the court may fix, to be approved by the court, and conditioned that the defendant will pay to the person having custody of such child or to such wife, such sum per month as may be fixed by the court in order to thereby provide said minor child or said wife, as the case may be, with necessary food, clothing, shelter, or medical attendance, then the court may suspend proceedings or sentence therein; and said undertaking is valid and binding for six months; and upon the failure of defendant to comply with said undertaking, he may be ordered to appear before the court and show cause why further proceedings should not be had in said action or why sentence should not be imposed, whereupon the court may proceed with said action, or pass sentence, or for good cause shown may modify the order and take a new undertaking and further suspend proceedings or sentence for a like period.

Surety for support.

CHAPTER 160.

An act appropriating thirty-five hundred dollars to be expended for the purchase of a Mergenthaler linotype machine and equipment for the Whittier State School.

[Approved March 10, 1909.]

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

SECTION 1. The sum of thirty-five hundred dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be expended in the purchase of one Mergenthaler linotype machine and equipment for the Whittier State School.

Appropriation.

Purchase of linotype machine.

SEC. 2. The state controller is hereby authorized to draw his warrant in favor of the board of trustees of the Whittier State School for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

CHAPTER 161.

An act appropriating eighteen hundred dollars for the purchase of one cylinder printing press for the Whittier State School.

[Approved March 10, 1900.]

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

Appropriation.

Purchase of press.

SECTION 1. The sum of eighteen hundred dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be expended in the purchase of one cylinder printing press for the Whittier State School.

SEC. 2. The state controller is hereby authorized to draw his warrant in favor of the board of trustees of the Whittier State School for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

CHAPTER 162.

An act appropriating money for a pressed brick machine for the Preston School of Industry.

[Approved March 10, 1900.]

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

Appropriation.

Purchase of brick machine.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of one thousand dollars, to be used by the trustees of the Preston School of Industry for the purchase of a pressed brick machine and necessary appliances thereof for said school.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of said board of trustees of the Preston School of Industry for the amount of money appropriated by section one of this act, and the state treasurer is hereby directed to pay the same out of said appropriation.

SEC. 3. This act shall take effect July 1st, 1909.

CHAPTER 163.

An act to repeal an act entitled "An act to provide for restoration to capacity of persons adjudged to be insane, who have no guardians and who are not confined at state hospitals for the insane," approved March 23, 1901.

[Approved March 10, 1909.]

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

SECTION 1. An act entitled "An act to provide for the restoration to capacity of persons adjudged to be insane, who have no guardians and who are not confined at state hospitals for the insane," approved March twenty-third, nineteen hundred and one, is hereby repealed. Repeal of act.

SEC. 2. This act shall take effect immediately.

CHAPTER 164.

An act to secure the safety of the public at bathing places upon the seacoast and lakes.

[Approved March 10, 1909.]

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

SECTION 1. Every person, firm of persons, or corporation, owning or conducting within this state a bath house, or other public place for the purpose of accommodating bathers, bordering upon or adjoining the seacoast or a lake where the public resort for the purpose of bathing in the open sea or lake shall keep one or more lifeboats fully equipped with oars, oarlocks, and not less than two life preservers, and two hundred feet of rope, always in good repair and near the bath house or resort. Such boat or boats shall have the words "life boat" plainly printed or painted upon them, and they shall be used for no other purpose than for saving of life or for other cases of emergency. Lifeboats, requirements for.

SEC. 2. Any person, firm of persons, or corporation who fails to comply with the provisions of this act is guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than ten nor more than two hundred dollars or be imprisoned in the county jail not less than ten days nor more than six months, or by both fine and imprisonment. Penalty.

SEC. 3. This act shall take effect thirty days after its passage.

CHAPTER 165.

An act to amend an act entitled "An act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1761, relating to giving special notices to relatives of persons under guardianship during the administration of estates of wards.

[Approved March 10, 1909.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure of California to be numbered section seventeen hundred and sixty-one, and to read as follows:

1761. At any time after the issuance of letters of guardianship upon the estate of any minor, insane or incompetent person, any relative of the ward, or the attorney for such relative, may serve upon the guardian, or upon the attorney for the guardian, and file with the clerk of the court wherein administration of such ward's estate is pending, a written request, stating that he desires special notice of any or all of the following mentioned matters, steps or proceedings in the administration of said estate, to wit:

1. Filing of petitions for sales, leases or mortgages of any property of the ward's estate.
2. Filing of accounts.
3. Filing of application for removal of ward's property to any foreign jurisdiction.
4. Filing of petitions for partition of any property of the ward's estate.
5. Proceedings for removal, suspension or discharge of the guardian, or final determination of the guardianship.

Such request shall state the post office address of such relative, or his attorney, and thereafter a brief notice of the filing of any of such petitions, applications, or accounts, or proceedings, except petitions for sale of perishable property, or other personal property which will incur expense or loss by keeping, shall be addressed to such relative, or his attorney, at his stated post office address, and deposited in the United States post office with the postage thereon prepaid, within two days after the filing of such petition, account, application, or the commencement of such proceeding; or personal service of such notices may be made on such relative, or his attorney, within said two days, and such personal service shall be equivalent to such deposit in the post office, and proof of mailing or of personal service must be filed with the clerk before the hearing of any such matter. If, upon the hearing it shall appear to the satisfaction of the court that the said notice has been regularly given, the court shall so find in its order or judgment, and such judgment shall be final and conclusive upon all persons.

Special notice of administrative proceedings, demand for by relatives.

Notice, how served.

CHAPTER 166.

An act entitled "An act to amend section 1533 of article II of the Political Code by providing a superintendents' annual convention."

[Approved March 10, 1909.]

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

SECTION 1. Section 1533 of article II of the Political Code is amended to read as follows:

1533. He shall have power to call, annually, a convention of the county and city superintendents, to assemble at such time and place as he shall deem most convenient, for the discussion of questions pertaining to the supervision and administration of the public schools, the laws relating thereto, and such other subjects affecting the welfare and interest of the public schools as shall properly be brought before it. It is hereby made the duty of all county and city superintendents to attend and take part in the proceedings of such convention when it is called. The actual expenses of the county superintendents attending the convention shall be allowed by the board of supervisors and paid out of the same fund as the salary of the county superintendents is paid; the actual expenses of the city superintendents attending the convention shall be allowed and paid out of the same fund as the salary of such city superintendents is paid.

Superintendents' convention.

Expenses of superintendents.

CHAPTER 167.

An act to amend section 4245 of the Political Code of the State of California, relating to county and township government and the compensation of county and township officers of counties of the sixteenth class.

[Approved March 10, 1909.]

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

SECTION 1. Section 4245 of the Political Code is hereby amended so as to read as follows:

4245. In counties of the sixteenth class, the county and township officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

Salaries in counties of sixteenth class (Monterey).

1. The county clerk, three thousand dollars per annum; *provided* that he shall have power to appoint one deputy who shall receive twelve hundred dollars per annum, payable at the same time and in the same manner as that of other county officers.

2. The sheriff, thirty-five hundred dollars per annum, *provided* that he shall have power to appoint one deputy which office is hereby created at a salary of twelve hundred dollars per annum, payable at the same time and in the same manner as that of other county officers. The sheriff shall also receive, in all civil cases, for his own use and benefit, the fees, commissions and mileage, which now are or may hereafter be allowed by law; and the fees or commissions for the service of all papers whatsoever, issued by any court of the state outside of his own county.

3. The recorder, thirty-six hundred dollars per annum.

4. The auditor, twenty-four hundred dollars per annum.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, twenty-four hundred dollars per annum, and five per cent of all moneys collected for licenses imposed by ordinances of the board of supervisors.

7. The assessor, four thousand two hundred dollars per annum.

8. The district attorney, twenty-four hundred dollars per annum; *provided* that he shall have power to appoint an assistant district attorney, which office is hereby created at a salary of twelve hundred dollars per annum, payable at the same time and in the same manner as that of other county officers.

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

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

11. The superintendent of schools, eighteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county; *provided* that he shall have power to appoint one deputy which office is hereby created at a salary of six hundred dollars per annum, payable at the same time and in the same manner as that of other county officers; but he shall receive no extra compensation for his services on the board of education.

12. The surveyor, thirteen hundred dollars per annum for all work performed for the county, and in addition thereto, actual necessary traveling expenses incurred in connection with field work; *provided* that whenever the surveyor is directed by the assessor to plat, trace or otherwise prepare maps or plats, he be allowed only the actual cost of preparing the same.

Justices of
the peace,
salaries
and fees.

13. The justices of the peace shall receive the following monthly salaries, to be paid each month as the salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases and all other criminal

matters. In townships having a population of six thousand or more, seventy-five dollars per month; in townships having a population of twenty-five hundred and less than six thousand, fifty dollars per month; in townships having a population of fifteen hundred and less than twenty-five hundred, forty dollars per month; in townships having a population of one thousand and less than fifteen hundred, thirty dollars per month; in townships having a population of seven hundred and less than one thousand, twenty dollars per month; and in townships having a population of less than seven hundred, fifteen dollars per month. Each justice must pay into the county treasury once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions. There shall be two justices of the peace in each such township containing a population of six thousand or more and in each such township containing a population of less than six thousand, there shall be one justice of the peace.

14. Constables shall receive the following salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases and in all other criminal matters. In townships having a population of five thousand or more, fifty dollars per month; in townships having a population of twenty-five hundred and less than five thousand, forty dollars per month; in townships having a population of fifteen hundred and less than twenty-five hundred, thirty dollars per month; in townships having a population of one thousand and less than fifteen hundred, twenty-five dollars per month; in townships having a population of seven hundred and less than one thousand, twenty dollars per month; in townships having a population of less than seven hundred, fifteen dollars per month; *provided* that, in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for the service of a warrant of arrest or any other process in a criminal case or other criminal matters (when such service is, in fact, made) both going and returning, ten cents per mile; for each mile traveled out of his county, both going to and returning from the place of arrest or the services of process five cents per mile, and for transporting prisoners to the county jail, ten cents per mile each way. In addition to the monthly salary allowed him herein, each constable may receive for his own use in civil cases the fees which are now or may hereafter be allowed by law.

Constables, salaries and fees.

15. The supervisors, each the sum of five dollars per day for actual service, (but not to exceed six hundred dollars per annum) and twenty cents per mile for all distances actually traveled, not to exceed two hundred dollars per annum in the performance of their duties as road commissioners, together with mileage at the rate of twenty cents per mile, in going

Supervisors, per diem and mileage.

only, from place of residence to the county seat at each session of the board.

Determina-
tion of popu-
lation.

16. For the purposes of subdivisions thirteen and fourteen of this section the population of the several judicial townships shall be ascertained and determined by the board of supervisors by multiplying by five the vote cast for presidential electors in each township at the next preceding election therefor.

CHAPTER 168.

An act to amend section 4027 of the Political Code of California, relating to the organization of boards of supervisors.

[Approved March 10, 1909.]

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

SECTION 1. Section 4027 of the Political Code is hereby amended to read as follows:

Board of super-
visors,
organiza-
tion and
tenure.

4027. Each county must have a board of supervisors consisting of five members, not more than three of whom shall be elected at the same general election. If in any county the terms of office of more than three of the board of supervisors expire at the same time, such members shall at the first regular meeting after the first day of January following the next election of such members, so classify themselves by lot that not more than three members so elected shall serve for four years, and two for the term of two years. Thereafter the term of office of each member shall be four years.

CHAPTER 169.

An act to amend section 528 of the Political Code, relating to the printing of the journals and appendices of the senate and assembly.

[Approved March 10, 1909.]

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

SECTION 1. Section 528 of the Political Code is hereby amended to read as follows:

Laws, dis-
position of
and price.

528. There must be printed of the laws of each session of the legislature, twenty-two hundred and fifty copies, in English, to be deposited with the secretary of state, who, after retaining a sufficient number of said volumes for distribution,

in accordance with the provisions of section four hundred and nine of the Political Code, shall deposit one hundred and fifty copies with the state librarian; the remaining copies to be sold at a price not to exceed three dollars per bound volume; the moneys thus received to be paid into the state treasury at the end of each month, as other fees are paid by the secretary of state, and for the same purposes. Whenever any bill, joint or concurrent resolution, is passed on enrollment, by either the senate or assembly, the committee on enrollment of the house, in which the bill, joint or concurrent resolution originated, shall transmit the same, without delay, to the superintendent of state printing, who shall receipt for all such bills and resolutions, and proceed at once to have the same printed, in the order in which received, in the measure prescribed by law for the statutes. So soon as printed, one copy, with proper blanks for the signatures of the officers whose duty it is to sign enrolled bills, shall be printed on bond paper, which, together with the engrossed bill, shall be sent to the committee on enrollment of the house in which the bill originated. Said committee shall compare such copy with the engrossed bill, and if it is found to be correct shall present it to the proper officers for their signatures. When such officials shall have signed their names, thereon, as required by law, it shall be an enrolled bill, and shall be transmitted to the governor for his approval. If the same is signed by the governor and becomes a law, the printed law shall go to the secretary of state and become the official record.

Enrolled bills.

2. Whenever a law is signed by the governor, official notice shall be forwarded, in writing, to the superintendent of state printing of the fact. Upon the receipt of said official notice, the superintendent of state printing shall cause to be printed, for the use of the legislature, two hundred and forty copies of said law, joint or concurrent resolution, to be distributed, one-third to the senate and two-thirds to the assembly, the sergeant-at-arms of the respective houses to receipt to the superintendent of state printing for the same, whose receipt shall be a proper voucher for the work. He shall also cause to be printed the requisite number of sheets to make the number of copies of the statutes required by law to be printed, the one composition of type to answer the purpose of printing the three editions; and of such laws, resolutions, and memorials as may be designated by the legislature, two hundred and forty copies in Spanish. Of the journals and appendices of the senate and assembly there must be printed seven hundred and fifty copies, in one volume or more, as may be required by the size thereof. The superintendent of state printing shall have the laws, journals of senate and assembly, and the appendices thereto, properly indexed and bound, the laws in full law sheep binding, and journals and appendices in half law sheep binding, marble sides, and deliver the same to the secretary of state for distribution as soon as practical after

Chapters, number to be printed.

Statutes.

Copies in Spanish.

Journals.

Index to laws.

the final adjournment of the legislature, and the receipt of the secretary of state shall be his voucher therefor.

SEC. 2. This act shall take effect immediately.

CHAPTER 170

An act to add a new section to the Code of Civil Procedure, to be numbered section one hundred and three and one-half, authorizing city justices in cities and towns of the third class to appoint a clerk.

[Approved March 10, 1909.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be numbered one hundred and three and one-half, and to read as follows:

City
justice
courts,
clerk for,
and salary.

103 $\frac{1}{2}$. Every city justice court in any city or town of the third class shall have a clerk, who shall be appointed by the justice of said court, subject to the approval of the board of supervisors of the county, and shall hold office during the pleasure of said justice. Said clerk shall give a bond in the sum of five thousand dollars, with at least two sureties, to be approved by the mayor, conditioned for the faithful discharge of the duties of his office; he shall receive an annual salary of one thousand two hundred dollars, payable in equal monthly installments out of the treasury of said city, which salary shall be the full compensation for all services rendered by him; he shall keep a record of the proceedings of said court and issue all process ordered by the justice of said court, and receive and pay into the city treasury all fines, forfeitures and fees paid into said court. He shall also render each month to the city council, an exact account, under oath, of all fines, forfeitures and fees paid and collected. He shall prepare bonds, justify bail when the amount has been fixed by said court or justice and may administer and certify oaths, and shall remain in the courtrooms of said court during court hours and during such reasonable times thereafter as may be necessary for the proper performance of his duty. He shall have custody of all records and papers of said justice court.

Duties of.

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

CHAPTER 171.

An act to amend section 1268 of the Political Code of California relating to salaries and compensation of officers and jurors in counties of the thirty-ninth class.

[Approved March 10, 1909.]

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

SECTION 1. Section 4268 of the Political Code of California is hereby amended to read as follows:

4268. In counties of the thirty-ninth class the county officers shall receive as compensation for services required of them by law, by virtue of their offices, the following salaries, to wit:

Salaries in
counties of
thirty-
ninth class
(Merced).

1. The county clerk two thousand dollars per annum, and *provided* that in each year in which a new and complete registration of voters is required by law, he shall receive the sum of ten cents for each elector registered which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and paid from the general fund of the county; *provided further*, that in counties of this class there shall be and is hereby allowed to the county clerk a deputy, who shall be appointed by the county clerk, who shall be paid a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

2. The sheriff five thousand dollars per annum and fees, commission and mileage for the service of papers or processes served from any court, also his necessary expenses for pursuing criminals, or transacting any criminal business.

3. The recorder one thousand eight hundred dollars per annum, *provided* that in counties of this class there shall be and is hereby allowed to the recorder a copyist, who shall be appointed by the recorder, and paid a salary of fifty dollars per month; said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the recorder is paid; *provided further* that said recorder shall collect and pay into the county treasury for the use and benefit of the county the fees required to be paid by law so collected: *and provided* that when the amount of said fees so collected shall exceed the sum of two hundred dollars in any one month, the recorder may receive and retain for his own use in addition to his own salary, one half of all fees in excess of two hundred dollars in any month so collected. But the amount of fees thus received by the recorder for his own use, plus his salary shall not exceed the sum of two thousand three hundred dollars in any one year.

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

5. The treasurer, one thousand eight hundred dollars per annum.

6. The tax collector, one thousand five hundred dollars per annum; *provided* that in counties of this class there shall be and is hereby allowed to the tax collector a deputy to be appointed by said tax collector and to hold office during the months of October, November, March and April, who shall be paid a salary of fifty dollars per month said salary to be paid in monthly installments during said months in the same manner and out of the same fund as the salary of the tax collector is paid.

7. The assessor, three thousand dollars per annum, and such fees as are now or may hereafter be allowed by law. The assessor shall also be allowed the following deputies, viz.: one deputy for each bona fide increase of one hundred real estate statements made for assessment purposes, over and above twenty eight hundred of such statements not to exceed in all eight deputies. Each of such deputies shall receive a monthly compensation of one hundred dollars, for a period of not to exceed two months in any one year, said compensation to be paid in monthly installments in the same manner and out of the same fund as the salary of the assessor is paid; *provided further* that in counties of this class there shall be and is hereby allowed to the assessor an office deputy, who shall be appointed by the assessor, who shall be paid a salary of one hundred dollars per month said salary to be paid by said county out of the same fund and at the same time and in the same manner as the salary of the assessor is paid. He shall prepare the military roll for which he shall receive five cents for each name thereon.

8. The district attorney, the sum of two thousand four hundred dollars per annum.

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

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

11. The superintendent of schools, one thousand four hundred dollars per annum, and shall also be allowed the compensation provided by law for services upon the board of education. He shall be allowed his actual traveling expenses when visiting schools of his county, which expense shall not exceed the sum of three hundred dollars in any one year, *provided* that in counties of this class there shall be and is hereby allowed to the superintendent of schools a deputy, who shall be appointed by the superintendent of schools and paid a salary of fifty dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

12. The surveyor such fees as are now or may hereafter be allowed by law. *Provided* that the surveyor shall annually revise the plats in the office of the assessor for which he shall receive a sum not to exceed two hundred dollars in any one year.

13. For the purposes of regulating the compensation of justices of the peace and constables townships in counties of this class are hereby classified according to population said population to be determined by the board of supervisors at the enactment of this act and at the time of the formation of any new judicial township or townships in the following manner: by appointing a suitable person in each township to take said census and said census shall be taken by said persons so appointed of all the inhabitants of said township; the full name of each person shall be fully written, the names alphabetically arranged and regularly numbered in one complete series and when completed shall be verified before any officer authorized to administer oaths and be filed with the county clerk and thereupon the same shall be the official census of the said townships. The expenses of taking said census shall be a county charge. Townships having a population of three thousand five hundred or more shall belong to and be known as townships of the first class. Townships having a population of less than three thousand five hundred and more than two thousand shall belong to and be known as townships of the second class. Townships having a population of less than two thousand shall belong to and be known as townships of the third class.

Classification of townships.

Justices of the peace shall receive the following salaries for all services rendered by them in criminal cases payable monthly and in the same manner as county officers are paid. In townships of the first class one hundred and fifty dollars per month, in townships of the second class one hundred dollars per month, in townships of the third class forty dollars per month. They shall retain for their own use and benefit such fees as are now or may hereafter be allowed by law in civil cases. *Provided* that in townships of the first class no person shall be eligible to the office of justice of the peace unless he has been admitted to practice law in a court of record.

Justices of the peace, salaries and fees.

14. Constables in counties of this class shall receive the following salaries for all service rendered by them in criminal cases, payable monthly and in the same manner as county officers are paid; in townships of the first class one hundred dollars per month, in townships of the second class seventy five dollars per month, in townships of the third class forty dollars per month. Constables shall also receive for their own use and benefit such fees as are now or may hereafter be allowed by law in civil cases. They shall also be allowed their actual expenses in conveying prisoners from the place of arrest to court and in case of conviction from the court to the county jail.

Constables, salaries and fees.

15. Supervisors, each, the sum of six hundred dollars per annum for all services performed by them as supervisors and members of the board of equalization. Each supervisor shall receive mileage at the rate of ten cents per mile for each mile traveled in going to and from the meetings of the board. They shall act as road commissioners in their respective districts and shall receive for the service of such road commissioner mileage at the rate of twenty-five cents per mile for all distances actu-

Supervisors, salaries and mileage.

ally traveled by them in the discharge of their duty as such road commissioners; *provided* that such mileage as road commissioners shall not, in any one year, exceed the sum of six hundred dollars for any one of the road commissioners.

Jurors,
per diem
and mile-
age.

16. Jurors' fees in criminal cases shall be as follows: for attending as a grand juror or as a trial juror in the superior court in criminal cases only for each day's attendance per day three dollars, for each mile actually traveled in attending court as such jurors fifteen cents per mile in going only. The county clerk shall certify to the auditor the number of days attended and the number of miles traveled by each juror, and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

'This act shall take effect immediately.

CHAPTER 172.

An act to amend section 591 of the Penal Code of the State of California.

[Approved March 10, 1909.]

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

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

Injuries to
telegraph
lines.

591. Every person who maliciously takes down, removes, injures or obstructs or makes any unauthorized connection with any line of telegraph or telephone, or any other line used to conduct electricity, or any part thereof, or appurtenances or apparatus connected therewith, or severs any wire thereof, is guilty of a misdemeanor.

CHAPTER 173.

An act to amend section 3335 of the Political Code of the State of California, concerning the formation of fire companies.

[Approved March 10, 1900.]

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

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

3335. Fire companies in incorporated cities and towns are formed and organized under special laws, or under authority conferred upon the city or town government. Those in unincorporated towns and villages are organized by filing, with the recorder of the county in which they are located, a certificate in writing, signed by the foreman or presiding officer and secretary, setting forth the date of the organization, name, officers, and roll of active and honorary members, which certificate and filing must be renewed every six months. There shall not be allowed to any such cities, towns, or villages more than one company for each one thousand inhabitants, but one company shall be allowed in any city, town, or village where the population is less than one thousand. There shall not be allowed to any engine company more than sixty-five certificate members, to any hook and ladder company more than sixty-five certificate members, to any hose company more than twenty-five certificate members.

Fire companies in incorporated towns.

SEC. 2. This act shall take effect immediately after its passage.

CHAPTER 174.

An act to amend section 1312 of the Code of Civil Procedure relating to contesting the probate of wills.

[Approved March 10, 1900.]

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

SECTION 1. Section 1312 of the Code of Civil Procedure is hereby amended to read as follows:

1312. If any one appears to contest the will, he must file written grounds of opposition to the probate thereof, and serve a copy on the petitioner and other residents of the county interested in the estate, any one or more of whom may demur thereto upon any of the grounds of demurrer provided for in

Contest to will, rules of procedure.

part two, title six, chapter three of this code. If the demurrer is sustained, the court must allow the contestant a reasonable time, not exceeding ten days, within which to amend his written opposition. If the demurrer is overruled, the petitioner and others interested may jointly or separately answer the contestant's grounds, traversing, or otherwise obviating or avoiding the objections. Any issue of fact thus raised, involving:

1. The incompetency of the decedent to make a last will and testament;

2. The freedom of the decedent at the time of the execution of the will from duress, menace, fraud, or undue influence;

3. The due execution and attestation of the will by the decedent or subscribing witnesses; or,

4. Any other questions substantially affecting the validity of the will;

Must, on request of either party in writing (filed at least ten days prior to the day set for the hearing), be tried by a jury. If no jury is demanded, the court must try and determine the issues joined. On the trial, the contestant is plaintiff and the petitioner is defendant.

CHAPTER 175.

An act to amend section 3546 of the Political Code of the State of California relating to what must be contained in the statement by the register of state lands to the district attorney.

[Approved March 10, 1900.]

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

SECTION 1. Section 3546 of the Political Code is hereby amended to read as follows:

3546. The register must, on the first day of May, of each year, forward to the district attorney of each county a statement embracing all the lands in the county upon which payments have not been made, which statement must show the name of the purchaser, the post office address of the purchaser, the number and date of the survey or location and of the certificate of purchase, the amount paid, the amount unpaid, and the amount then due. No lands within any reclamation district must be embraced in such statement after the receipt by the register of the certificate of the board of supervisors that works of reclamation have been commenced.

SEC. 2. This act shall take effect.

Statement
of register,
must show
what.

CHAPTER 176.

An act authorizing the state surveyor general to furnish his office and vault therein, and making an appropriation therefor.

[Approved March 10, 1900.]

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

SECTION 1. The state surveyor general is hereby authorized to furnish his office, in the state capitol, with modern filing and bookcases and a counter; to furnish the vault in his office with modern fixtures and filing cases for maps; and such other furnishings, fixtures, and repairs in said office and vault therein, as he may deem necessary for the proper transaction of the business of his office, and the better protection of moneys, books, maps, vouchers, papers and documents committed to his official care. Furnish-
ings
author-
ized.

SEC. 2. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose herein authorized, the sum of two thousand dollars, or so much thereof as may be necessary. Appropriation.

SEC. 3. The state board of examiners shall examine, audit and allow all demands arising under this act, and the state controller shall thereupon draw his warrant therefor, payable out of the general fund, and the state treasurer is hereby directed to pay the same.

SEC. 4. This act shall be in force and take effect from and after July first, nineteen hundred and nine.

CHAPTER 177.

An act to amend section 4277 of the Political Code relating to salaries and fees of officers of counties of the forty-eighth class.

[Approved March 10, 1900.]

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

SECTION 1. Section 4277 of the Political Code is hereby amended so as to read as follows:

4277. In counties of the forty-eighth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: Salaries in
counties of
forty-
eighth
class
(Modloc).

1. The county clerk, eighteen hundred dollars per annum; provided that in counties of this class the county clerk shall be allowed a copyist, who shall be appointed by the county clerk and paid the salary of fifty dollars per month; said

salary to be paid at the same time, in the same manner and out of the same fund as the salary of the county clerk. *And provided further*, that in counties of this class, during the years when the compilation of a great register is required by law, the registration clerks in the several precincts of the county shall be allowed the sum of ten cents per name for each affidavit legally taken for registration; said sum to be allowed and paid to said registration clerks by the board of supervisors as other county charges are allowed and paid.

2. The sheriff, twenty-five hundred dollars per annum.

3. The recorder, one thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist who shall be appointed by the recorder, and paid the salary of fifty dollars per month; said salary to be paid by the said county in monthly installments, at the time and in the same manner, and out of the same fund as the salary of the recorder is paid.

4. The auditor, six hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, twelve hundred dollars per annum, and ten per cent on all licenses collected by him as license collector.

7. The assessor, one thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor one deputy, to be appointed by him, who shall receive the salary of seventy-five dollars per month for not exceeding four months in any calendar year, said salary to be paid by said county in monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the assessor is paid.

8. The district attorney, one thousand two hundred dollars per annum.

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

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

11. The superintendent of schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. The justice of the peace, such fees as are now or may hereafter be allowed by law.

Justice of
the peace.

14. Constables, such fees as are now or may hereafter be allowed by law.

Constables.

15. Each supervisor, six dollars per day when the board is in session, not to exceed three hundred dollars per year, exclusive of mileage, and twenty-five cents per mile for traveling one way only from his residence to the county seat at each sitting of the board; and his necessary expenses while supervising the roads of his district, or attending to the business of the county, other than the meetings of the board, not to exceed the sum of four hundred and sixty dollars per annum.

Super-
visors.

16. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, and at coroner's inquests, a per diem of ten dollars, and for transcription of said notes when required during the progress of a trial, he shall receive the sum of twenty-five cents per folio for the original and five cents per folio for one copy; but if such transcription is not required until after the conclusion of the trial, then he shall receive the sum of ten cents per folio for original, and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases, to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside the county seat.

CHAPTER 178

An act to add a new section to the Penal Code of California to be known as section 537c, and relating to the unlawful use of horses and vehicles by the owner, manager and proprietors of livery and feed stables and persons pasturing stock, and providing the punishment for the violation thereof.

[Approved March 10, 1900.]

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

SECTION 1. A new section is hereby added to the Penal Code of California to be numbered 537c and to read as follows:

537c. Every owner, manager, proprietor, or other person, having the management, charge or control of any livery stable, feed or boarding stable, and every person pasturing stock, who shall receive and take into his possession, charge, care or control, any horse, mare, or other animal, or any buggy, or other vehicle, belonging to any other person, to be by him kept, fed, or cared for, and who, while said horse, mare or other animal or buggy or other vehicle, is thus in his possession, charge, care or under his control, as aforesaid, shall drive, ride or use, or knowingly permit or allow any person other than the owner or other person entitled so to do, to drive, ride, or otherwise use the same, without the consent or permission of the owner thereof, or other person charged with the care, control or possession of such property, shall be guilty of a misdemeanor.

Unauthorized use of horses, etc.

CHAPTER 179.

An act to amend section twelve hundred and thirteen of the Civil Code of the State of California, relating to the recording of conveyances of real property, and providing for the recording of certified copies of such conveyances in cases where the same have been recorded in a wrong county.

[Approved March 10, 1909.]

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

SECTION 1. Section 1213 of the Civil Code of the State of California is hereby amended to read as follows:

Record of conveyances. certified copies.

1213. Every conveyance of real property acknowledged or proved and certified and recorded as prescribed by law from the time it is filed with the recorder for record is constructive notice of the contents thereof to subsequent purchasers and mortgagees; and a certified copy of any such recorded conveyance may be recorded in any other county and when so recorded the record thereof shall have the same force and effect as though it was of the original conveyance and where such original conveyance has been recorded in any county wherein the property therein mentioned is not situated a certified copy of such recorded conveyance may be recorded in the county where such property is situated with the same force and effect as if the original conveyance had been recorded in such county.

CHAPTER 180.

An act authorizing the state veterinarian to employ during the balance of the sixtieth, and throughout the sixty-first and sixty-second fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected with the disease known as scabies; providing for the compensation and expenses of said inspectors, and making an appropriation therefor.

[Approved March 10, 1909.]

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

Sheep inspectors, employment of.

SECTION 1. The state veterinarian of the State of California is hereby authorized to employ such inspectors, from time to time, during the balance of the sixtieth fiscal year, and throughout the sixty-first and sixty-second fiscal years, as he may deem necessary for the purpose of inspecting and supervising

the dipping of sheep infected with the disease known as scabies. Such inspectors shall be subject to removal at any time by said state veterinarian. The said state veterinarian shall fix the compensation of such inspectors which shall on no account exceed the sum of four dollars per day, exclusive of their necessary and actual expenses. Such compensation and necessary expenses shall be allowed and paid out of the appropriation herein made.

Compensation.

SEC. 2. There is hereby appropriated, out of any moneys in the state treasury, not otherwise appropriated, the sum of eighteen thousand dollars, or such portion of same as may be necessary, to be used in paying the wages and necessary actual expenses of the inspectors herein provided for, six thousand dollars of which shall be available for the balance of the sixtieth fiscal year, and ten thousand dollars of which shall be available during the sixty-first fiscal year, and two thousand dollars of which shall be available during the sixty-second fiscal year; and the state controller is directed to draw his warrants in favor of the person or persons entitled to the same, and the state treasurer is directed to pay the same.

Appropriation to pay wages.

SEC. 3. This act shall take effect immediately.

CHAPTER 181.

An act regulating the hours of employment in underground mines and in smelting and reduction works.

[Approved March 10, 1909.]

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

SECTION 1. That the period of employment for all persons who are employed or engaged in work in underground mines in search of minerals, whether base or precious, or who are engaged in such underground mines for other purposes, or who are employed or engaged in other underground workings whether for the purpose of tunneling, making excavations or to accomplish any other purpose or design, or who are employed in smelters and other institutions for the reduction or refining of ores or metals, shall not exceed eight hours within any twenty-four hours, and the hours of employment in such employment or work day shall be consecutive, excluding, however, any intermission of time for lunch or meals; *provided* that, in the case of emergency where life or property is in imminent danger, the period may be a longer time during the continuance of the exigency or emergency.

Underground work. hour. of labor.

Emergency work.

SEC. 2. Any person who shall violate any provision of this act, and any person who as foreman, manager, director or officers of a corporation, or as the employer or superior officer

Penalty.

of any person, shall command, persuade or allow any person to violate any provision of this act, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00), or by imprisonment of not more than three months. And the court shall have discretion to impose both fine and imprisonment as herein provided.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

CHAPTER 182.

An act authorizing the state board of prison directors to fix the price, terms and conditions of sale at which jute bags should be sold for the state, providing for the prosecution and punishment for offenses under the same, and repealing certain acts.

[Approved March 10, 1909.]

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

Jute goods,
rules for
sale of.

SECTION 1. The state board of prison directors are authorized and empowered to adopt rules and regulations for the sale of jute goods, but such rules and regulations, before they become effective, shall be approved by a majority of the state board of examiners. The state board of prison directors shall annually, in the month of December of each year fix the price, for the sale of jute bags and give public notice of the same, for at least ten days in at least four newspapers of general circulation printed and published as follows to wit: one in the city and county of San Francisco, one in the San Joaquin valley, one in the Salinas valley and one in the Sacramento valley. Until the 1st day of April of each year, jute bags shall be sold only to consumers thereof, but after said date, if a surplus of said jute bags remains unsold, they may be sold to any one in such quantities and at such prices as the board of directors in their discretion may deem proper.

Affidavit
of pur-
chaser.

SEC. 2. All orders for jute bags filed with the board of prison directors prior to the first day of April of each year, shall be accompanied by an affidavit setting forth the name, residence, post office address and occupation of the applicant; that the amount of goods contained in the order are for the applicant's individual and personal use, and that he has not contracted for, nor agreed to contract for the sale of any portion thereof to any person or persons whatsoever. Said affidavit shall be subscribed and sworn to before a notary public, justice of the peace, or other officer authorized to administer oaths.

SEC. 3. Any person who shall falsely or fraudulently make such affidavit, or who shall falsely or fraudulently procure jute bags under the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than two hundred dollars (\$200.00). False aff
davit,
penalty
for.

SEC. 4. The board of prison directors shall keep at the San Quentin prison a book for public inspection, in which shall be entered the number of jute bags, the amount of jute goods manufactured each year, and also the name of each purchaser, his post office address, his occupation, number of jute bags or jute goods purchased by him, and the price paid by him therefor and the date and sale and the place to which shipment is made.

SEC. 5. An act entitled, "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the state, and providing for prosecution and punishment for offenses under the same;" approved March 22d, 1907, and all other acts and parts of acts in conflict with this act are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

CHAPTER 183.

An act to authorize and empower the state board of prison directors to insure jute and jute goods against either fire or marine loss and to pay the cost of such insurance from the revolving fund for the purchase of jute.

[Approved March 10, 1900.]

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

SECTION 1. The state board of prison directors is hereby authorized and empowered to insure from time to time against fire or marine loss, all jute and jute goods owned by the state, in such amounts as it may deem proper. The cost of such insurance shall be paid from the revolving fund for the purchase of jute. Insurance
of jute
goods.

SEC. 2. This act shall take effect immediately.

CHAPTER 184.

An act to provide for the consolidation of municipal corporations.

[Approved March 11, 1900.]

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

Consolidation of municipalities, proceedings for.

SECTION 1. Two or more municipal corporations, each one of which is contiguous to the other, or to one of the others of said municipal corporations, either one or more of which shall be incorporated under general laws, or operating under a freeholders' charter, may become consolidated into one municipal corporation, to be thereafter governed in the name and under the general municipal incorporation law, or freeholders' charter, as the case may be, under which the greater or greatest in population of such municipal corporations, as shown by the last federal census, may be governed, pursuant to proceedings had and taken in accordance with the provisions of this act. If any one or more of said municipal corporations shall have been incorporated subsequent to the taking of the last federal census, the greater or greatest in population of such municipal corporations shall, for the purposes of this act, be deemed to be the municipal corporation in which the larger or largest vote was cast at the last preceding general state election.

Submission of question to electors.

SEC. 2. The council, board of trustees, or other legislative body of the one of said municipal corporations having the greater or greatest population, ascertained as hereinbefore provided, shall, upon receiving a petition therefor, signed by not less than one fifth of the qualified voters of each of said municipal corporations designated in said petition and proposed to be consolidated, as shown by the total number of votes cast at the last preceding general state election in each of said municipal corporations respectively, forthwith submit to the qualified electors of each of such corporations the question whether such municipal corporations shall become consolidated into one municipal corporation, to be governed in the name, and under the freeholders' charter, or as a city of the class under the general municipal incorporation law, as the case may be, under which the greater or greatest in population of such municipal corporations, ascertained as hereinbefore provided, may be governed at the time such petition is so received. Such legislative body shall designate a day upon which a special election shall be held in each of such municipal corporations so proposed to be consolidated for the purpose of submitting to the qualified electors of each of said municipal corporations the question whether such consolidation shall be effected, and shall cause written notice that such petition has been received, and of the date of such election, to be given by the clerk thereof to the council, board of trustees, or other

Special election.

legislative body of each of the other of such municipal corporations.

It shall thereupon be the duty of the legislative body of each of the municipal corporations so proposed to be consolidated to forthwith give notice of such election by publication in a newspaper printed, published and circulated in such municipal corporation, and designated for that purpose, by such legislative body, if any such newspaper be printed and published therein, at least once a week for four successive weeks prior to such election. If there be no newspaper printed, published and circulated in any one or more of such municipal corporations, the legislative body thereof shall cause such notice to be posted in three of the most public places in such municipal corporation in which there is no such newspaper for at least four weeks prior to such election. Such notice shall distinctly state the proposition so to be submitted, the names of the municipal corporations so proposed to be consolidated, the date of such election, which date shall be within twenty days after the expiration of the publication or posting of such notice, and shall be the same for all such municipal corporations so proposed to be consolidated. The legislative body of each such municipal corporation shall establish, and in such notice of election shall designate the election precinct or precincts for said special election and the place or places at which the polls therefor will be opened in each municipal corporation proposed to be consolidated respectively; and in establishing such election precincts, such legislative body may consolidate the precincts which existed in such municipal corporation for the holding of the last preceding general state election, into special election precincts and to a number not exceeding three for each such special election precinct, and shall number such special election precincts so established consecutively, and each such special election precinct so established shall, for the purpose of such election, be known by the number so designated. Such notice shall direct the electors of each municipal corporation so proposed to be consolidated to vote upon the proposition of such proposed consolidation in the manner hereinafter provided. The legislative body of each such municipal corporation shall appoint officers of election from the registered electors of each precinct, or special election precinct, so established, as aforesaid, whose names appear upon the last assessment roll of such municipal corporation, to serve as election officers only in the election precinct in which they are registered and actually reside, to constitute the election board for such precinct, which shall consist of two judges and one inspector. Upon the ballots to be used at such election there shall be printed the words "for consolidation," and "against consolidation," in separate lines, and there shall be a voting square at the right of and opposite to each such proposition. If an elector shall stamp a cross (Σ), in the voting square after and opposite to the printed words "for consolidation," his vote shall be counted in favor of consolidation; if he shall stamp a cross (X) in the voting square after and opposite to the printed

Notice of election, publication of.

Election precincts.

Notice shall state what.

Officers of election.

Ballots.

words against consolidation, his vote shall be counted against consolidation. The ballots used at such election, the opening and closing of the polls, and the holding and conducting of such election shall be in conformity, as near as may be, with the general laws of this state concerning general elections, except as herein provided.

Canvass of
returns.

The judges and inspectors of each such election precinct shall immediately on the closing of the polls canvass the ballots, make up and certify the tally sheets of the ballots cast at their respective polling places, seal up, and immediately return the ballots and tally sheets as hereinafter provided. As soon as all the ballots are counted and sealed up, a statement must be attached to the tally sheets showing the total number of votes cast, the number of votes cast in favor of consolidation, the number of votes cast against consolidation in each such election precincts and such statement must be signed by the members of the election board. The ballots and tally sheets and returns shall be delivered to and deposited with the clerk of the legislative body of the municipal corporation, which received the petition hereinbefore mentioned, and submitted the question of such consolidation. In all particulars except as hereinbefore provided said canvass shall be conducted and said ballots and tally sheets shall be returned as provided by law for general elections. The legislative bodies of each of such municipal corporations so proposed to be consolidated shall meet in joint convention at the regular place of meeting of the legislative body of the one of such municipal corporations that received the petition hereinbefore mentioned and submitted such question of consolidation as hereinbefore provided, on the Monday next succeeding the day of such election at the hour of ten o'clock A. M. of said day, for the purpose of canvassing the returns of said election and certifying the result thereof; *provided however*, that the presence of a majority of the members of each of such legislative bodies at such joint convention shall constitute a quorum thereof, and shall be sufficient to enable such joint convention to perform the duties herein prescribed. The president of the council, board of trustees, or other legislative body of the municipal corporation in which such joint convention is held, shall be ex officio president of such joint convention, and the city clerk of such municipal corporation shall be ex officio the clerk thereof. Such joint convention shall at the time hereinbefore appointed, meet and proceed to canvass said returns, and such canvass shall be completed at such meeting if practicable, and in any event, within three days thereafter. Such canvass by such joint convention shall be conducted and completed as follows: The returns of the votes cast in each such municipal corporation shall be canvassed separately, and in such order as said joint convention, by a majority vote, shall direct. Immediately upon the completion of such canvass said joint convention shall cause a record thereof to be made and entered upon its minutes, showing the total number of votes cast in each such municipal corporation, the number thereof

Joint con-
vention to
canvass
returns.

Conduct of
canvass.

cast in each in favor of consolidation, and the number thereof cast in each against consolidation. If it shall appear from such canvass that a majority of the votes cast in each such municipal corporation shall be in favor of such consolidation, such joint convention, by an order entered upon its minutes shall declare the result and cause the clerk thereof to make an original abstract of the result of such election in each such municipal corporation, which abstract shall show the total number of votes cast at such election in each such municipal corporation, the number of votes cast in each for consolidation, and the number of votes cast in each against consolidation. Said abstract shall be signed by the president of such joint convention, and attested by the clerk thereof, under the seal of the municipal corporation in which such joint convention shall be held. Said clerk shall also make certified copies of such abstract equal in number to the number of municipal corporations in which such election was held; one of which he shall file in his office, as city clerk of the municipal corporation in which such joint convention was held, and the other certified copies of such abstract shall be delivered one to each of the clerks of the other municipal corporations in which such election was held, within three days after the completion of such canvass by such joint convention; and the same shall be presented to the legislative body of each such municipal corporation by the clerk thereof at its next regular meeting after the delivery thereof to him, as aforesaid, and recorded upon the minutes of such legislative body. The clerk of such joint convention shall keep a record of its proceedings, and upon the completion of such canvass shall file such record in his office, as clerk of the municipal corporation in which such joint convention shall be held. Upon the recording of such abstracts in the minutes of the legislative body of each municipal corporation, the clerk thereof shall certify that fact to the city clerk of the municipal corporation in which such joint convention was held, who shall transmit to the secretary of state the said original abstract of the result of said election, made and signed as hereinbefore provided, and said original abstract shall be filed by the secretary of state in his office immediately upon receiving the same, and a certificate of the filing of such original abstract in his office shall be by the secretary of state transmitted forthwith to the clerk of the municipal corporation in which such joint convention was held.

Declaration of result.

Copies of returns to be filed, where.

In the event that the one of such municipal corporations so proposed to be consolidated, having the greater or greatest population ascertained as hereinbefore provided, shall be operating under a freeholders' charter, such consolidation shall be deemed to be completed, and such municipal corporations shall be deemed to be consolidated into a new municipal corporation upon the filing of such original abstract in the office of the secretary of state, as aforesaid; and thereupon, said freeholders' charter shall ipso facto be and become the charter of such consolidated municipal corporation, which shall operate and be

Consolidation, when deemed to be completed.

governed as a new municipal corporation in the name of and under such freeholders' charter of the one of such municipal corporations so consolidated having the greater or greatest population, and the other or others of the municipal corporations so consolidated shall be ipso facto dissolved, and disincorporated, and any freeholders' charter thereof shall be deemed to be surrendered and annulled. And upon the completion of such consolidation, such other or others of the municipal corporations so consolidated shall be deemed to be annexed to and joined to and merged into the one of said municipal corporation so operating under a freeholders' charter and having the greater or greatest population, as aforesaid.

Election of officers.

In the event that the one of such municipal corporations so proposed to be consolidated, having the greater or greatest population, ascertained as hereinbefore provided, shall not be operating under a freeholders' charter, and the electors of all such municipal corporations proposed to be consolidated shall vote in favor of consolidation, and all other acts and proceedings for the consolidation of such municipal corporations into one municipal corporation shall have been severally, duly and regularly done and performed as hereinbefore provided, and the original abstract mentioned in this section of this act shall have been filed in the office of the secretary of state as aforesaid, thereupon the legislative body of the one of such municipal corporations so proposed to be consolidated having the greater or greatest population, shall proceed to call a special election to be held in all the municipal corporations so proposed to be consolidated, for the election of the officers required by law to be elected in corporations of the class to which the consolidated municipal corporation shall belong when such consolidation is completed. Such election shall be held within ninety days after the filing of such original abstract in the office of the secretary of state, as hereinbefore provided, and shall be called and conducted in all respects in the manner prescribed, or that may hereafter be prescribed by law for municipal elections in municipal corporations of such class.

Canvass of returns.

The returns of such election shall be canvassed by the legislative body calling the same at its next regular meeting after such election, in the manner provided by law, and upon the completion of such canvass shall declare the result thereof, and cause the same to be entered upon its minutes. From and after the date of such entry, such consolidation shall be deemed to be completed, and such municipal corporation shall be deemed to be consolidated into a new municipal corporation; and thereupon such new corporation shall be governed in the name of and under the general law applicable to municipal corporations of the class to which such new corporation shall belong, with the powers conferred, or that may be hereafter conferred upon municipal corporations of such class. The officers elected at such election shall be entitled immediately to enter upon the duties of their respective offices, upon qualifying in accordance

with law, and shall hold said offices respectively only until the next general municipal election to be held in such municipal corporation, and until their successors are elected and qualified.

SEC. 3. Any municipal corporation created by the consolidation of municipal corporations under the provisions of this act, shall for all purposes be deemed and taken to be the successor of the several municipal corporations so consolidated therein; and the title to any property owned or held by any such municipal corporations or in trust therefor, or by any officer or board of any such municipal corporations, in trust or otherwise for public use, shall, upon such consolidation being completed, as hereinbefore provided, ipso facto be vested in such new municipal corporation, or any officer or board thereof which has the power to hold, or control such property under the freeholders' charter, or other law under which the greater or greatest in population of the municipal corporations so consolidated was theretofore governed.

Titles to
municipal
property.

That upon the completion of such consolidation, if the greater or greatest in population of such municipal corporations so consolidated be operated under a freeholders' charter, all persons then in possession or occupancy of the several offices in each of the other municipal corporations so consolidated, shall immediately quit and surrender the possession of such offices, which shall thereupon cease and determine, and they shall forthwith deliver all moneys, funds, books, papers, archives, and records in their official custody, and all other property of such municipal corporations in their hands, or under their control to the proper officers under the freeholders' charter of such greater or greatest municipal corporation; and if the greater or greatest in population of such municipal corporations so consolidated be theretofore organized and existing under the general municipal incorporation laws of this state, all persons then in possession or occupancy of the several offices and in each of the municipal corporations so consolidated, shall, upon the completion of such consolidation, immediately upon the entry of the officers of the new municipal corporation created by such consolidation, upon the duties of their respective offices as hereinbefore provided, deliver all moneys, funds, books, papers, archives, and records in their official custody, and all other property of such municipal corporations in their hands, or under their control, to the proper officers of such new municipal corporation.

Officers,
certain to
surrender
possession.

That any consolidation of municipal corporations effected under the provisions of this act shall not affect any debts, demands, liabilities or obligations of any kind existing in favor of or against any such municipal corporations so consolidated, at the time of such consolidation or any action or proceeding then pending in any court in which any such debt, demand, liability or obligation of any kind may be involved, or any action or proceeding brought by or against any such municipal corporation prior to such consolidation; but all such proceedings shall be continued and concluded, by final judgment or otherwise, in all respects the same as if such consolida-

Existing
debts not
affected.

Ordi-
nances
deemed to
be
repealed.

tion had not been effected. All ordinances of any municipal corporations consolidated under the provisions of this act, except those of the one having the greater or greatest population shall immediately, upon such consolidation being effected, be deemed to be repealed and of no further force and effect; *provided however* that such repeal shall not operate to discharge any person, from any liability, civil or criminal, then existing, nor to affect any prosecution then pending for any violation of any such ordinances; and all cases then pending in any justices' court, police court or court of any recorder, or other judicial municipal magistrate or officer of any of the municipal corporations so consolidated, except of the one having the greater or greatest population shall, upon such consolidation being effected be deemed ipso facto to be transferred to justices' court, police court or court of any recorder, or other judicial municipal magistrate or officer of the one of such municipal corporations of the greater or greatest population, having jurisdiction of proceedings or misdemeanors or of other actions civil or criminal of the character so transferred; *provided further*, that such repeal shall not apply to ordinances under which vested rights have accrued, or to ordinances relating to proceedings for street or other public improvements, or to proceedings for opening, extending, widening or straightening streets or other public places, or to proceedings for changing the grade thereof, all of which proceedings shall be continued and conducted by and under the authority of the new consolidated municipal corporation, with the same force and effect as if continued and conducted by and under the authority of the municipal corporation by which they were commenced. And all ordinances of the one of the municipal corporations consolidated under the provisions of this act having the greater or greatest population, shall, upon the completion of such consolidation, ipso facto have full force and effect in and throughout the new consolidated municipal corporation.

Vested
rights.

Provision
for pay-
ment of
debts.

SEC. 4. That no property in either of the municipal corporations consolidated under the provisions of this act shall ever be taxed to pay any portion of any indebtedness or liability of any of the other such municipal corporations, contracted or incurred prior to or existing at the time of such consolidation. The legislative body of any consolidated municipal corporation, consolidated under the provisions of this act, shall provide for the payment of the indebtedness or liability of each of the municipal corporations consolidated therein and shall levy and collect the necessary taxes therefor, and for that purpose, and for all other purposes, such consolidated municipal corporation and its officers shall be deemed the successor and successors of such municipal corporations so consolidated and their respective officers.

Boroughs,
right to
establish.

SEC. 5. In the event that the greater or greatest in population of any municipal corporations, consolidated under the provisions of this act, shall be operating under a freeholders' charter, which charter shall at any time provide that a borough

of boroughs may be established in any territory, or incorporated city or town, annexed to or joined to such municipal corporation, such borough or boroughs to be governed as in such charter provided; nothing in this act contained shall prevent or be construed to prevent any other municipal corporation, or any portion thereof so consolidated with the municipal corporation so operating under such freeholders' charter, from becoming a borough under such freeholders' charter, to be established and governed as therein provided.

SEC. 6. All proper expenses of proceedings for the consolidation of municipal corporations under this act, shall, if such consolidation be made and completed, be paid by the consolidated municipal corporation; and if such consolidation be not completed, each municipal corporation shall pay the expenses of calling and holding said election within such corporation.

Expenses
of consoli-
dation.

SEC. 7. All acts and parts of acts in conflict with this act are hereby repealed.

CHAPTER 185.

An act to add a new section to the Political Code, to be numbered 1580, relating to joint school districts upon the organization of new counties or changes in county boundaries.

[Approved March 12, 1900.]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered 1580, to read as follows:

1580. Whenever any school district has been, or shall hereafter be, intersected by any county boundary line in the formation of any new county, or in changing the boundary of any county, and portions of the district then lie in different counties, such district, shall by operation of law constitute and become established as a joint school district, at the time of such intersection, unless otherwise provided.

Joint
school
districts.

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

CHAPTER 186.

An act to amend an act entitled, "An act to continue in force school teachers' certificates, state educational diplomas, and life diplomas," approved February 5, 1880.

[Approved March 11, 1909.]

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

Teachers' diplomas validated.

SECTION 1. All teachers' life diplomas, university documents, normal documents, city, city and county, and county certificates of all grades granted previous to the first day of February, A. D. 1909, shall be continued in full force and effect for the full time for which they were granted, and shall be deemed valid for all purposes and to the full extent of time that the same were and were intended respectively to be, under the laws in force at the time they were issued.

SEC. 2. This act shall take effect and be in force on and after the date of its approval.

CHAPTER 187.

An act to amend section 1543 of the Political Code, so as to provide for suspended school districts.

[Approved March 11, 1909.]

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

SECTION 1. Section 1543 of the Political Code is hereby amended to read as follows:

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

First. To superintend the schools of his county.

Second. 1. To apportion the school moneys to each school district, as provided in section one thousand eight hundred and fifty-eight of this code, at least four times a year. For this purpose he may require of the county auditor a report of the amount of all school moneys on hand to the credit of the several school funds of the county not already apportioned; and it is hereby made the duty of the auditor to furnish such report when so required; and whenever an excess of money has accumulated to the credit of a school district by reason of a large census roll and small attendance, beyond a reasonable amount necessary to maintain a school for eight months in such

Duty of county superintendent.

Apportion school moneys.

district for the year, the superintendent of schools shall place said excess of money to the credit of the unapportioned school funds of the county, and shall apportion the same as other school funds are apportioned.

2. If in any school district there has been an average daily attendance of only five or a number of pupils less than five during the whole school year, the superintendent shall, after giving due notice to all parties interested by sending notices by registered mail to each of the trustees, or, by causing notices to be posted in three public places in the district, one of which shall be at the door of the schoolhouse, for not less than ten days, report the fact to the board of supervisors at their first meeting in August. The board of supervisors shall investigate the matter, and, if in its judgment it would be better to temporarily suspend the school district they shall immediately so suspend it. If the board of supervisors find that there are other school facilities or that there is no reasonable chance to re-establish the district they shall declare the district lapsed, and shall attach the territory thereof to one or more of the adjoining districts in such manner as may be by them considered most convenient for the residents of said lapsed district.

Suspension of school districts.

Lapsed districts.

3. At the meeting of the board of supervisors in the months of July, August, or September, the board of supervisors may re-establish a suspended school district upon proper showing of the people or board of school trustees of the district that there are eight or more pupils of the district ready to attend school.

Re-establishment of suspended district.

4. After a district has been suspended, the county superintendent shall at the time of making the apportionment of school moneys as provided in section 1858 of the Political Code, set aside for such suspended district, the sum of five hundred and fifty dollars. This amount, with any unexpended balance to the credit of the district, shall be held for the use of the suspended district, in case it should be re-established, and so much of it as may be needed to keep the property of the suspended district insured, and to pay the census marshal, may be expended by the trustees in the same manner as if the district were not suspended. But no subsequent apportionment shall be made to a suspended district, until it is re-established as provided in subdivision three of this section.

Apportionment to suspended district.

5. Trustees shall be elected and a school census taken in suspended districts just as if they were not suspended.

Trustees.

6. The superintendent may at any time in the month of July of any year give notice as provided in subdivision two of this section, to any suspended district which has not maintained school during the year past, and at the first meeting of the board of supervisors in August ask that such district be declared lapsed.

Lapsed, when to be declared.

7. A suspended district may be merged with one or more adjoining districts whenever a petition signed by the majority of heads of families as shown by the last preceding school census residing in each of said districts shall be presented to the board of supervisors. Such petition must be filed with

Merged districts.

the county superintendent and by him presented to the board of supervisors with such suggestions as he thinks best. A temporarily suspended district when reopened shall be considered the same as a new district in regard to its next apportionment.

Lapsed
districts,
disposi-
tion of
property
of.

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

Expenses,
requisi-
tion for.

Third. On the order of the board of school trustees, or board of education of any city or town having a board of education, to draw his requisition upon the county auditor for all necessary expenses against the school fund of any district. The requisitions must be drawn in the order in which the orders therefor are filed in his office. Each requisition must specify the purpose for which it is drawn, but no requisition shall be drawn upon the order of the board of school trustees or board of education against the funds of any district except the teachers' or janitors' salaries, unless such order is accompanied by an itemized bill showing the separate items, and the price of each, in payment for which the order is drawn; nor shall any requisition for teachers' or janitors' salaries be drawn unless the order shall state the monthly salary of teacher or janitor, and name the months for which such salary is due. Upon the receipt of such requisition the auditor shall draw his warrant upon the county treasurer in favor of the parties for the amount stated in such requisition.

Form of
demand.

The order of the board of school trustees, or board of education, shall be made only on the form of blank approved by the superintendent of public instruction, *provided*, that said blanks shall be printed and furnished to the school districts by the board of supervisors of the respective counties of the state, and when signed by at least two members of the board of trustees, or the officials authorized to sign orders for the board of education shall be transmitted to the superintendent, who shall, in case he approve said demand, indorse

upon it, "Examined and approved," together with the number and date when approved, and shall, in attestation thereof, affix his signature thereto, and deliver the same to the claimant, or his order, who shall transmit the same to the auditor, who shall, in case he allows said demand, indorse upon it, "allowed," together with the number and date when allowed, and shall, in attestation thereof, affix his signature thereto, and deliver the same to the claimant and make a proper record thereof and charge against the particular fund of the particular district against which such demand was allowed; and said demand, when so approved, and signed by the superintendent, and when so allowed and signed by the auditor, shall constitute the requisition on the auditor, and the warrant on the treasury within the meaning of this act.

Approval.

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

Register of requisitions.

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

Visit schools.

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

Preside over institutes.

Seventh. He shall have power to issue temporary certificates of equivalent grades to persons holding valid secondary or high school, elementary or grammar school, kindergarten-primary and special certificates granted by county boards of education of California; or to persons who are graduates of colleges, normal schools, or universities and who hold valid certificates issued outside of California when, in the judgment of the superintendent such certificates correspond in grade to any certificate which may be issued under the provisions of section seventeen hundred and seventy-five of the Political Code of California; which temporary certificate when issued between July first and December thirtieth shall expire on January first following; and when issued between January first and June twenty-ninth shall expire on July first following; *provided further* that he shall have power to issue temporary elementary certificates valid for two years to graduates of the University of California and to graduates of the Leland Stanford Junior University; *and provided further* that no person shall be entitled to receive a temporary certificate more than once in the same county.

Issue temporary certificates.

Distribute laws. Eighth. To distribute all laws, reports, circulars, instructions, and blanks which he may receive for the use of school officers.

Keep reports. Ninth. To keep in his office the reports of the superintendent of public instruction.

Record of official acts. Tenth. To keep a record of his official acts, and of all the proceedings of the county board of education, including a record of the standing, in each study, of all applicants examined, which shall be open to the inspection of any applicant or his authorized agent.

Plans for school houses. Eleventh. Except in incorporated cities having boards of education, to pass upon and approve or reject all plans for schoolhouses. To enable him to do so, all boards of trustees, before adopting any plans for school buildings, must submit the same to the county superintendent for his approval.

Appoint trustees and janitors. Twelfth. To appoint trustees to fill all vacancies, to hold until the first day of July succeeding such appointment; when new districts are organized to appoint trustees for the same, who shall hold office until the first day of July next succeeding their appointment. In case of the failure of the trustees to employ a janitor, as provided in section sixteen hundred and seventeen, subdivision seventh, of this code, he shall appoint a janitor, who shall be paid out of the school fund of the district. Should the board of school trustees of any district fail or refuse to issue an order for the compensation of such service, the superintendent is hereby authorized to issue, without such order, his requisition upon the county school fund apportioned to such district.

Reports. Thirteenth. To make reports, when directed by the superintendent of public instruction, showing such matters relating to the public schools in his county as may be required of him.

Delivery to successor. Fourteenth. To preserve carefully all reports of school officers and teachers, and, at the close of his official term, deliver to his successor all records, books, documents, and papers belonging to the office, taking a receipt for the same, which will be filed in the office of the county clerk.

Grade schools. Fifteenth. The county superintendent shall, unless otherwise provided by law, in the month of July of each year grade each school, and a record thereof shall be made in a book to be kept by the county superintendent in his office for this purpose. And no teacher holding a certificate below the grade of said school shall be employed to teach the same.

Appoint census marshal. Sixteenth. To appoint a school census marshal in any district if the board of trustees or board of education therefor fail to appoint a census marshal within the time fixed by law.

CHAPTER 188.

An act to add a new section to the Political Code, to be numbered 1671b, relating to enlarging, reconstructing or replacing county secondary schools or increasing the capacity and accommodations thereof, and the levying of a special tax for such purposes.

[Approved March 11, 1900.]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered 1671b, and to read as follows:

1671b. In counties where county secondary schools have been established, or may hereafter be established pursuant to section 1671 of this code, the board of supervisors may, for the purpose of raising money for building additional schoolrooms, purchasing additional school ground, repairing, reconstructing, enlarging, replacing, or otherwise improving such county secondary school or increasing the capacity thereof or improving the grounds thereof, or for supplying or refurnishing the same with necessary furniture or apparatus, or for any or all of such purposes, when in the judgment of said board it is advisable, levy a special tax upon all the assessable property of the county in the manner prescribed in subdivision 4 of said section 1671 of this code, in an amount estimated by said board to be sufficient for such purpose or purposes, which said tax shall be computed, entered on the tax roll and collected in the same manner as other taxes are computed, entered and collected; and the amount so collected shall be deposited in the county treasury, and be known and designated as the county secondary school improvement fund, and shall be drawn from the treasury as other moneys so appropriated are drawn, upon the order of the county board of education, which shall have the power and authority in such case to make and complete any of the improvements hereinbefore mentioned.

Special
tax levy
for build-
ing school
rooms.

Designa-
tion of
fund.

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

CHAPTER 189.

An act to amend section ten of an act entitled, "An act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the state," approved March 26, 1895, and amended March 29, 1897, and amended March 23, 1901, and amended March 20, 1903.

[Approved March 11, 1900.]

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

SECTION 1. Section ten of an act entitled, "An act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the state," approved March 26, 1895, and amended March 29, 1897, and amended March 23, 1901, and amended March 20, 1903, is hereby amended to read as follows:

Annuity fund, to consist of what.

Section 10. The public school teachers' annuity and retirement fund herein provided for, shall consist of the following, with the income and interest thereof:

Duty of clerks of boards.

(I) Twelve (12) dollars per school year of the salaries paid to all those subject to the burdens imposed by this act, in each county, or consolidated city and county, shall be deducted from the warrants for salary, and paid by the treasurer of the county, or consolidated city and county, to the public school teachers' retirement fund commissioners of said county, or consolidated city and county; and it shall be the duty of the secretary of the board of education in every incorporated city or town, or consolidated city and county, and the clerk of the board of trustees of every public school district outside of such city or town, or consolidated city and county, to deduct from each salary demand, the said sum according to the class to which each teacher belongs, and to draw his warrant at the end of each month for the total amount in favor of the public school teachers' retirement fund commissioners.

(II) All moneys received from gifts, bequests and devises, or from any other source.

(III) All moneys, pay, compensation, or salary forfeited, deducted or withheld from the warrant or demand for salary of any teacher or teachers for and account of absence from duty from any cause, which the board of education of every incorporated city or town, or the board of trustees of every school district outside of such city or town, may appropriate and set apart for the aforesaid fund; and said board of education or board of trustees are hereby empowered to appropriate such moneys, or any part thereof, for such fund; *provided*, that in consolidated cities and counties, after the establishment of an annuity fund therein, it is hereby made the duty of the boards of education to appropriate monthly, at least one-half of such moneys for such fund.

CHAPTER 190.

An act to amend sections 271 and 271a of the Penal Code of the State of California, all relating to crimes against children.

[Approved March 11, 1909.]

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

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

271. Every parent of any child under the age of fourteen years, and every person to whom any such child has been confided for nurture, or education, who deserts such child in any place whatever with intent wholly to abandon it, is punishable by imprisonment in the state prison or in the county jail not exceeding one year or by fine not exceeding five hundred dollars, or by both. Desertion of minor.

SEC. 2. Section two hundred and seventy-one *a* of the Penal Code is hereby amended to read as follows:

271*a*. Every person who knowingly and willfully abandons, or who, having ability so to do, fails or refuses to maintain his or her minor child under the age of fourteen years, or who falsely, knowing the same to be false, represents to any manager, officer or agent of any orphan asylum or charitable institution for the care of orphans, that any child for whose admission into such asylum or institution application has been made is an orphan, is punishable by imprisonment in the state prison, or in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, or by both. Maintenance of minor.

CHAPTER 191.

An act authorizing and empowering Reclamation District No. 791 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm or corporation, for the purpose of irrigation, or for any other lawful use.

[Approved March 13, 1909.]

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

SECTION 1. Reclamation District No. 791, embracing a body of land situated partly in the county of Sacramento, and partly in the county of Sutter, is hereby authorized and empowered to contract for the disposal of all flood or drainage Disposal of flood waters.

waters under its control, or for the sale thereof, to any person, firm, or corporation, the same to be used for the purpose of irrigation, or for any other lawful use.

SEC. 2. This act shall take effect immediately.

CHAPTER 192

An act to create a preserve for crabs within Eel river and the entrance thereto and Humboldt and Trinidad bays and the waters of the Pacific ocean adjacent thereto, and to regulate the taking of crabs from such preserve for commercial purposes.

[Approved March 13, 1909.]

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

Crab
preserve
created.

SECTION 1. A preserve for crabs is hereby created which shall consist of Eel river and the entrance thereto and Humboldt bay and Trinidad bay and the waters of the Pacific ocean adjacent to said bays within the limit of two miles from the inside shore line of each of said bays.

Open
season.

SEC. 2. It shall be unlawful to fish for, catch, take, or remove any crabs for commercial purposes from the preserve hereby created; *provided, however*, that during the open season for crabs as now or which may be hereafter defined by law, crabs may be taken and removed from the preserve hereby created during the day of Thursday of each and every week, and at no other time.

Penal
clause.

SEC. 3. Any person violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not exceeding five hundred dollars or imprisonment in the county jail for a term not exceeding ninety days, or by both such fine and imprisonment.

SEC. 4. This act shall take effect from and after its passage.

CHAPTER 193.

An act to add a new section to the Political Code to be numbered 4271a, authorizing boards of supervisors in counties of the forty-second class to appoint assistants to the county surveyor.

[Approved March 13, 1900.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered 4271a, to read as follows:

4271a. The board of supervisors in counties of the forty-second class may, by resolution, authorize the county surveyor to employ such assistants as may be necessary to perform such work as may be ordered by the board of supervisors or prescribed by law, and fix the compensation of such assistants, not to exceed three dollars per day and actual and necessary traveling expenses while in the field; such compensation and expenses to be allowed and paid as county charges.

County
surveyor,
assistants
to.

SEC. 2. This act shall take effect immediately.

CHAPTER 194.

An act appropriating five thousand dollars to be expended in the erection of a manual training building on the grounds of the Whittier State School.

[Approved March 13, 1900.]

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

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be expended in the erection of a manual training and school building on the grounds of the Whittier State School.

Appropriation
for
manual
training
building.

SEC. 2. The state controller is hereby authorized to draw his warrant in favor of the board of trustees of the Whittier State School for the amount herein appropriated, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall be exempt from the provisions of the act of the legislature approved March 23, 1876, relating to state erections and buildings, and all acts amendatory thereto.

CHAPTER 195.

An act to amend section 290a of the Civil Code relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depository or trustee or to engage in the business of banking.

[Approved March 13, 1909.]

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

SECTION 1. Section 290a is hereby amended so as to read as follows:

Trust corporations,
capital
stock
required.

290a. Before the secretary of state issues any certificate of incorporation or certificate of authority to transact business in this state, to any corporation, authorized in its articles of incorporation to act as executor, administrator, guardian, assignee, receiver, depository or trustee, there must be filed in his office the affidavit of the persons named in said articles as the first directors of the corporation, that at least two hundred thousand dollars of the capital stock, has actually been subscribed, and paid in to a person named in such affidavit, for the benefit of the corporation and before he issues any certificate of incorporation, or certificate of authority to transact business in this state, to any corporation, authorized in its articles of incorporation to engage in the business of banking, or of receiving the money of others on deposit, there must in like manner be filed the affidavit provided herein that at least twenty-five thousand dollars of the capital stock, has actually been subscribed, and paid in to a person named in such affidavit, for the benefit of the corporation.

Banking.
capital
stock
required.

CHAPTER 196.

An act to amend section 4282 of the Political Code of the State of California relating to salaries of officers of counties of the fifty-third class.

[Approved March 13, 1909.]

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

SECTION 1. Section 4282 of the Political Code of the State of California, is hereby amended so as to read as follows:

Salaries in
counties
of the fifty-
third class
(fifty).

4282. In counties of the fifty-third class the county officers shall receive, as compensation for the services required of

them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, sixteen hundred dollars per annum.
2. The sheriff, five thousand dollars per annum and mileage for service of any and all processes required by law to be served by him, at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty, and for service of all processes issued from all courts outside of his county.
3. The recorder, eight hundred dollars per annum. From and after the enactment of this act he may appoint such copyists as are necessary to properly perform the duties of this office, at a compensation of six cents per folio for all notices of location of mining claims copied, and the auditor shall draw his warrant monthly in favor of such copyists so employed, verifying the number of folios copied by him, to which verified statement shall be attached a certificate of the recorder that it is correct; *provided*, that whenever such copyist is appointed that a notice of such appointment must be immediately filed with the auditor before he can draw any warrant in favor of such copyist.
4. The auditor, two hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, fifteen hundred dollars per annum.
8. The district attorney, two thousand one hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, four hundred dollars per annum.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered, as hereinafter provided. In townships having a population of three thousand or more, eighty-five dollars per month, which said salary shall be in full compensation for all services rendered by said justices of the peace in both civil and criminal cases, and all such fees as are allowed by law in civil cases shall be paid by said justices of the peace into the county treasury, as the fees of county officers are paid in. In townships having a population of not less than two thousand and under three thousand, thirty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary, each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law. In townships having a population of not less than one thousand and under two thousand, twenty dollars per month,

Justices of
the peace.

which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary, each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law. In townships having a population of less than one thousand, fifteen dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are or may be hereafter allowed by law.

Constables.

14. Constable, such fees as are now or may be hereafter allowed by law.

Supervisors.

15. Each member of the board of supervisors, six dollars per day when board is in session; thirty cents per mile, one way. Three dollars per day when actually serving as road commissioner, not to exceed three hundred dollars per annum.

Official reporter.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examination in justices' courts, a salary of ten dollars per diem, during employment, payable out of the county treasury. at the same time and in the same manner as the salaries of county officers, and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Determination of population.

17. The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid.

CHAPTER 197.

An act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration and preservation of fish in the waters of the State of California.

[Approved March 13, 1900.]

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

License required.

SECTION 1. Every person engaged or employed in the vocation of fishing for profit in the public waters of this state must first obtain a license before engaging in such vocation.

SEC. 2. The controller of state shall prepare suitable licenses, of the classes designated by the fish and game commissioners, which shall purport to license the holder of such license to fish in any of the public waters of this state with crawfish traps, lines, nets, seines, or by boat, for the term of one year from the first day of April of one year to the first day of April of the year following. The licenses shall be numbered consecutively, beginning with number one, and contain blanks for the insertion of the name of the holder, his resident address, and his description, by age, height, nationality, and color of eyes and hair, which description shall be furnished by the applicant to the board of fish and game commissioners. The controller shall sign all licenses and deliver the same to the fish and game commissioners, on demand, who shall be charged for the same by the controller. Each license, before delivery to the applicant for a license, must be countersigned by the president of the board of fish and game commissioners, and the president of the board of fish and game commissioners shall execute a bond to the people of the State of California, in the sum of two thousand (\$2,000) dollars, for the faithful performance of the duties imposed upon him by this act.

State controller to issue.

Duty of fish commissioners.

SEC. 3. Licenses shall be issued and delivered upon application to the state board of fish and game commissioners or their deputies. The licenses herein provided for shall be issued as follows: To any citizen of the United States upon the payment of two and one half (2½) dollars; to any person not a citizen of the United States upon the payment of ten (10) dollars. Not more than one license shall be issued to any one person for the same year, except upon an affidavit by the applicant that the one issued has been lost or destroyed, and no license issued as herein provided shall be transferable or used by any other person than the one to whom it was issued. Every person having a license as provided herein, who refuses to exhibit such license upon demand of any officer authorized to enforce the fish and game laws of this state, or any peace officer of this state; or who transfers or disposes of the same to another person to be used as a fisherman's license; or who fishes with unlawful lines, nets, seines, or by modes or methods in violation of any law for the preservation of fish and game, shall forfeit this license.

To whom licenses shall be issued.

SEC. 4. The said license fees must be paid to the fish and game commissioners, or to some one designated by them for that purpose; and each of the commissioners, and such person or persons designated by them, is and are hereby empowered to arrest any person fishing, or using lines, or a boat, or net for fishing, without a license, contrary to the provisions of section one of this act.

Fees, to whom payable.

SEC. 5. The money collected from such licenses shall be paid by the commissioners into the state treasury to the credit of the appropriation for the "Support and maintenance of hatcheries," and shall be applicable to the payment of the

Disposition of fees.

expenses of propagating, protecting, restoring and introducing commercial fishes into the public waters of this state, and all other necessary expenses pertaining thereto.

Penalty
for viola-
tion of act.

SEC. 6. The violation of any provision of this act is hereby declared a misdemeanor, and every person violating any of its provisions, shall, upon conviction thereof, be fined in a sum not less than ten nor more than one hundred dollars, or by imprisonment in the county jail for a term of not less than ten nor more than one hundred days, or by both such fine and imprisonment; and all fines collected for any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the "Fish and game preservation fund."

SEC. 7. All acts and parts of acts, so far as they conflict with this act, are hereby repealed.

SEC. 8. This act shall take effect immediately.

CHAPTER 198.

An act to amend section 4258 of the Political Code as amended in 1907 statutes of 1907, pages 499 and 500 thereof, relating to the compensation of officers in counties of the twenty-ninth class.

[Approved March 13, 1909.]

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

SECTION 1. Section 4258 of the Political Code of California as amended in 1907 is hereby amended to read as follows:

Salaries in
counties of
twenty-
ninth
class
(Marin).

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

1. The county clerk, twenty-five hundred dollars per annum, and when a new register of voters is required by law to be made, he shall receive in addition, fifteen cents per name for each voter registered, which shall be in full for all services required in registering voters and making the great register; *provided*, that in counties of this class there shall be and is hereby allowed to the county clerk, a deputy who shall be appointed by said county clerk, who shall be paid a salary of one hundred dollars per month, and a copyist who shall be appointed by said county clerk, who shall be paid a salary of fifty dollars per month, said salaries of said deputy and of said copyist to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund, as the salary of the county clerk is paid.

2. The sheriff four thousand five hundred dollars per annum; and also all fees for service of papers in actions arising outside of his county; *provided*, that in counties of this class there shall be and is hereby allowed to the sheriff, a deputy, who shall be appointed by said sheriff, who shall be paid a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund, as the salary of the sheriff is paid.

Salaries in counties of twenty-ninth class (Mar'01).

3. The recorder two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder, a deputy, who shall be appointed by said recorder, who shall be paid a salary of seventy-five dollars per month, and a copyist who shall be appointed by said recorder, who shall be paid a salary of fifty dollars per month, said salaries of said deputy and of said copyist to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund, as the salary of the recorder is paid.

4. The auditor two thousand four hundred dollars per annum.

5. The treasurer two thousand five hundred dollars per annum.

6. The tax collector two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the tax collector, a deputy, who shall be appointed by said tax collector, who shall be paid a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund, as the salary of the tax collector is paid.

7. The assessor two thousand five hundred dollars per annum, and also such fees and commissions as are allowed by law; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor a deputy, who shall be appointed by said assessor, who shall be paid a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; *and provided further*, that in counties of this class there shall be and is hereby allowed to the assessor a copyist for the period of time embraced between the first day of January and the first day of July in each fiscal year, who shall be appointed by said assessor, who shall be paid a salary of fifty dollars per month, said salary to be paid by said county in monthly installments during the period of time said copyist shall be employed at the same time and in the same manner and out of the same fund as the salary of the assessor is paid.

8. The district attorney, two thousand four hundred dollars per annum.

9. The superintendent of schools, two thousand four hundred dollars per annum and actual traveling expenses, when visiting the schools of his county.

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

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

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Justices of
the peace.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

Constables.

14. Constables, such fees as are now or may be hereafter allowed by law, and in addition thereto three dollars per day for each day's actual attendance in court during a jury trial therein or preliminary examination for felony; *provided*, that no constable shall receive more than three dollars for any one day's attendance on any court.

Super-
visors.

15. Each member of the board of supervisors fifty dollars per month and mileage at the rate of ten cents per mile for traveling to and from his residence to the county seat; and also mileage for his services as road commissioner at the rate of twenty cents per mile one way, for all distances actually traveled in the discharge of his duties as such road commissioner; *provided*, that such mileage as road commissioner shall not in any one year exceed the sum of three hundred dollars.

Board of
education.

16. Each member of the board of education including the secretary, five dollars per day when the board is in session, and ten cents per mile for traveling to and from his or her residence to the county seat at each session, unless otherwise provided for by law.

CHAPTER 199.

An act to amend section four thousand two hundred and seventy-six of the Political Code, relating to the compensation of officers of counties of the forty-seventh class.

[Approved March 13, 1909.]

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

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

Salaries in
counties
of forty-
seventh
class
(Glenn).

4276. In counties of the forty-seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, twenty-seven hundred dollars per annum.
2. The sheriff, three thousand dollars per annum, and the fees or commissions for the service of all papers issued by any court of the state outside of his county; also, his actual and

necessary traveling expenses in the execution of a warrant outside of his county issued by a court or magistrate of his county.

3. The recorder, eighteen hundred dollars per annum.
4. The auditor, fifteen hundred dollars per annum.
5. The treasurer, twelve hundred dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, twenty-five hundred dollars per annum.
8. The district attorney, sixteen hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.

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

11. The superintendent of schools, sixteen hundred dollars per annum, and traveling expenses while visiting schools of his county; and for services as secretary of the board of education he shall receive five dollars per day for each day said board is in session.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, twenty dollars per month. In addition to the compensation received in criminal cases each justice of the peace shall receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions.

Justices of the peace.

14. Constables shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred, and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, twenty dollars per month; *provided*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions.

Constables.

15. Each supervisor, five dollars per day while attending sessions of the board and while engaged in the performance of the duties of road commissioner, and mileage at the rate of twenty cents per mile for traveling from residence to county seat in attendance upon a regular session of the board.

Supervisors.

16. Official reporters same as now provided by law.

Official reporter.

CHAPTER 200.

An act to amend section 1274 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-fifth class.

[Approved March 13, 1909.]

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

SECTION 1. Section 4274 of the Political Code of the State of California is hereby amended so as to read as follows:

Salaries in
counties of
forty-fifth
class
(Lake).

4274. In counties of the forty-fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, eighteen hundred dollars per annum.
2. The sheriff, twenty-four hundred dollars per annum, and the fees or commissions for the service of all papers issued by any court of the state outside of his county, and his actual and necessary traveling expenses while executing a warrant outside of his county issued by a magistrate or court within his county.
3. The recorder, eighteen hundred dollars per annum.
4. The auditor, one thousand dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, one thousand dollars per annum which shall be in full for all services as tax collector and license collector.
7. The assessor, fifteen hundred dollars per annum.
8. The district attorney, fifteen hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, one thousand dollars per annum, and actual and necessary traveling expenses when visiting schools of his county. He shall also be allowed five dollars per day for acting as secretary of the board of education for each day said board is in session.
12. The surveyor, such fees as are now or may be hereafter allowed by law.

Justices of
the peace.

13. Justices of the peace, such fees as are now or may be hereafter allowed by the law.

Constables.

14. Constables, such fees as are now or may be hereafter allowed by the law.

Super-
visors.

15. Each member of the board of supervisors, five dollars a day when the board is in session, and ten cents a mile, in going only, for traveling from his residence to the county seat, and when serving as road commissioner three dollars per day, and actual and necessary expenses; *provided*, he shall not in any one year receive more than three hundred dollars as super-

visor, exclusive of mileage, nor more than two hundred dollars as road commissioner, exclusive of traveling expenses.

16. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of ten cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools. Claims for such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named, and in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section seventeen hundred and seventy of this code.

CHAPTER 201.

An act to amend section 737 of the Political Code of California, relating to the salaries of superior judges.

[Approved March 13, 1900.]

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

SECTION 1. Section seven hundred thirty-seven of the Political Code of California is hereby amended so as to read as follows:

737. The annual salaries of the judges of the superior court of the city and county of San Francisco and of the county of Los Angeles are six thousand dollars, of the counties of Alameda, Contra Costa, San Joaquin, Sacramento, Marin, Santa Clara, San Diego, Fresno and San Bernardino, five thousand dollars, of the counties of Santa Cruz, San Mateo, Yuba, Sutter, Butte, Nevada, Sonoma, Colusa, Monterey, San Luis Obispo, Shasta, Siskiyou, Santa Barbara, Mendocino, Tehama, Kern, Placer, Humboldt, Tulare, Solano, Yolo, Mariposa, Ventura, Mono, Kings, Amador, Calaveras, Stanislaus, El Dorado, Merced, Madera, Tuolumne, Orange, Glenn, Napa and San Benito, four thousand dollars, and of the county of Alpine, two thousand dollars: one half of which shall be paid by the state and the other half thereof by the county of which the judge is elected or appointed.

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

CHAPTER 202.

An act authorizing and empowering Reclamation District No. 791 to contract for, and to construct and maintain, jointly, or in connection with any person, firm, corporation, reclamation district, levee district, drainage district, public agency or municipal corporation, joint levees or other joint works of reclamation.

[Approved March 13, 1900.]

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

Joint levees, provision for.

SECTION 1. Reclamation District No. 791, embracing a body of lands situated partly in the county of Sacramento, and partly in the county of Sutter, is hereby authorized and empowered to contract for, and to construct and maintain, jointly or in connection with any person, firm, corporation, reclamation district, levee district, drainage district, public agency or municipal corporation, joint levees, or other joint works of reclamation that may be of advantage to such Reclamation District No. 791.

SEC. 2. This act shall take effect immediately.

CHAPTER 203.

An act to amend section 1622 of the Political Code relating to state and county school moneys being used for the payment of teachers and superintendents of schools.

[Approved March 13, 1900.]

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

SECTION 1. Section 1622 of the Political Code is hereby amended to read as follows:

County school money, how may be used.

1622. Boards of school trustees and city boards of education may use forty per cent of the county school money for any of the purposes authorized by this chapter; but all the state school money and not less than sixty per cent of the county school money shall be applied exclusively to the payment of teachers' salaries of the elementary schools; *provided*, that any city superintendent of public schools or supervising principal of public schools who holds a teacher's certificate in force for

the full time for which the requisition is drawn may be paid out of the same money or fund used for the payment of the salaries of teachers of the elementary schools.

Sec. 2. This act shall take effect immediately.

CHAPTER 204.

An act declaring property infested with certain rodents to be a public nuisance; requiring owners, occupants, and persons having possession of or dominion over such property to endeavor to exterminate and destroy such rodents; providing for the inspection of property by boards of health and health officers; authorizing boards of supervisors and other governing bodies to purchase materials and employ inspectors to prosecute such work of extermination; authorizing state and local health authorities to prosecute such work in certain cases; providing for the payment of the expense thereof; making the amount of such expense a lien on the property; providing for the collection of such amount by foreclosure of such lien; and declaring any violation of the provisions thereof to be a misdemeanor.

[Approved March 13, 1909.]

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

SECTION 1. It shall be and is hereby declared to be the duty of every person, firm, copartnership, company and corporation, owning, leasing, occupying, possessing or having charge of or dominion over, any land, place, building, structure, wharf, pier, dock, vessel or water craft, which is infested with rats, mice, gophers or ground squirrels, or as soon as the presence of the same shall come to his, their, or its knowledge, at once to proceed and to continue in good faith to endeavor to exterminate and destroy such rodents, by poisoning, trapping, and other appropriate means.

Duty of persons to exterminate rodents.

Sec. 2. The state board of health and inspectors appointed by such board, and local health officers and inspectors appointed for the purpose, as hereinafter provided, shall have authority and shall be permitted to enter into and upon any and all lands, places, buildings, structures, wharves, piers, docks, vessels and water craft, for the purpose of ascertaining whether the same are infested with such rodents and whether the requirements of this act as to the extermination and destruction thereof are being complied with; *provided, however*, that no building occupied as a dwelling, hotel or rooming house, shall be entered for such purpose except between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of any day.

State board of health, authority of.

Supervisors may appropriate moneys.

SEC. 3. The board of supervisors of each county and the city council or other governing body of each city and county, whenever it may by resolution determine that it is necessary for the preservation of the public health or to prevent the spread of contagious or infectious disease, communicable to mankind, or when such board shall so determine that it is necessary to prevent great and irreparable damage to crops or other property, may appropriate moneys for the purchase of, and may purchase, poison, traps and other materials for the purpose of exterminating and destroying such rodents, in such county, city and county, city or town, and may employ and pay inspectors, who shall have authority to and shall prosecute such work of extermination and destruction, under the direction of such board, or of the local health officer, or board of health, on both private and public property, in such county, city and county, city or town.

Refusal to exterminate.

SEC. 4. Whenever any person, firm, co-partnership, company or corporation, owning, leasing, occupying, possessing or having charge of or dominion over, any land, place, building, structure, wharf, pier, dock, vessel or water craft, which is infested with such rodents, shall fail, neglect or refuse to proceed and to continue to endeavor to exterminate and destroy such rodents, as herein required, it shall be the duty of the state board of health, its inspectors and the local board of health and health officer, at once to cause such nuisance to be abated by exterminating and destroying such rodents. The expense

Expense of extermination.

thereof shall be a charge against the county, city and county, city or town, wherein the work is done, and the board of supervisors or other governing body shall allow and pay the same. Thereupon, the clerk of such board shall file in the office of the county recorder a notice of such payment, claiming a lien on such property for the amount of such payment. Any and all sums so paid by such county, city and county, city or town, shall be a lien on the property on which said nuisance shall have been abated, and may be recovered in an action against such property, which action to foreclose such lien shall be brought, within ninety days after such payment, and be prosecuted by the district, city or town attorney, in the name of such county, city and county, city or town, and for its benefit. When the property is sold, enough of the proceeds shall be paid into the treasury of such county, city and county, city or town, to satisfy such lien and the costs, and the overplus, if any there be, shall be paid to the owner of the property, if known, and if not known shall be paid into court for the use of such owner when ascertained. When it appears from the complaint in such action that the property on which such lien is to be foreclosed is likely to be removed from the jurisdiction of the court, the court may appoint a receiver to take possession of the property and hold the same while the action may be pending or until the defendant shall execute and file a bond, with sufficient sureties, conditioned for the

Sale of property.

payment of any judgment that may be recovered against him in the action and all costs.

SEC. 5. Any violation of the provisions of this act shall be deemed a misdemeanor and shall be punishable as such. Penalty.

CHAPTER 205.

An act to amend the Civil Code of California by adding a new title thereto, to be numbered title X, in part IV of division second, consisting of sections 1426, 1426a, 1426b, 1426c, 1426d, 1426e, 1426f, 1426g, 1426h, 1426i, 1426j, 1426k, 1426l, 1426m, 1426n, 1426o, 1426p, 1426q, 1426r, and 1426s, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing acts in conflict herewith.

[Approved March 13, 1909.]

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

SECTION 1. The Civil Code of the State of California is hereby amended by adding a new title thereto, to be numbered title X, in part IV of second division, consisting of sections 1426, 1426a, 1426b, 1426c, 1426d, 1426e, 1426f, 1426g, 1426h, 1426i, 1426j, 1426k, 1426l, 1426m, 1426n, 1426o, 1426p, 1426q, and 1426r, to read as follows: New title.

1426. Any person, a citizen of the United States, or who has declared his intention to become such, who discovers a vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposit, may locate a claim upon such vein or lode, by defining the boundaries of the claim, in the manner hereinafter described, and by posting a notice of such location, at the point of discovery, which notice must contain: Lode claims, how located.

First—The name of the lode or claim.

Second—The name of the locator or locators.

Third—The number of linear feet claimed in length along the course of the vein, each way from the point of discovery, with the width on each side of the center of the claim, and the general course of the vein or lode, as near as may be.

Fourth—The date of location.

Fifth—Such a description of the claim by reference to some natural object, or permanent monument, as will identify the claim located.

Boundaries.

1426a. The locator must define the boundaries of his claim so that they may be readily traced, and in no case shall the claim extend more than fifteen hundred feet along the course of the vein or lode, nor more than three hundred feet on either side thereof, measured from the center line of the vein at the surface.

Record of location.

1426b. Within thirty days after the posting of his notice of location upon a lode mining claim, the locator shall record a true copy thereof in the office of the county recorder of the county in which such claim is situated, for which service the county recorder shall receive a fee of one dollar.

Placer claim, location of.

1426c. The location of a placer claim shall be made in the following manner: By posting thereon, upon a tree, rock in place, stone, post or monument, a notice of location, containing the name of the claim, name of locator or locators, date of location, number of feet or acreage claimed, such a description of the claim by reference to some natural object or permanent monument as will identify the claim located, and by marking the boundaries so that they may be readily traced; *provided*, that where the United States survey has been extended over the land embraced in the location, the claim may be taken by legal subdivisions and no other reference than those of said survey shall be required and the boundaries of a claim so located and described need not be staked or monumented. The description by legal subdivisions shall be deemed the equivalent of marking.

Record of location.

1426d. Within thirty days after the posting of the notice of location of a placer claim, the locator shall record a true copy thereof in the office of the county recorder of the county in which such claim is situated, for which service the recorder shall receive a fee of one dollar.

Tunnel right, location of.

1426e. The locator of a tunnel right or location, shall locate his tunnel right or location by posting a notice of location at the face or point of commencement of the tunnel, which must contain:

First—The name of the locator or locators.

Second—The date of the location.

Third—The proposed course or direction of the tunnel.

Fourth—A description of the tunnel, with reference to some natural object or permanent monument as shall identify the claim or tunnel right.

Boundaries.

1426f. The boundary lines of the tunnel shall be established by stakes or monuments placed along the lines at an interval of not more than six hundred feet from the face or point of commencement of the tunnel to the terminus of three thousand feet therefrom.

Record of location.

1426g. Within thirty days after the posting the notice of location of the tunnel right or location, the locator shall record a true copy thereof, in the office of the county recorder of the

county in which such claim is situated, for which service the recorder shall receive a fee of one dollar.

1426h. If at any time the locator of any mining claim heretofore or hereafter located, or his assigns, shall apprehend that his original location notice was defective, erroneous, or that the requirements of the law had not been complied with before filing; or in case the original notice was made prior to the passage of this act, and he shall be desirous of securing the benefit of this act, such locator, or his assigns, may file an additional notice, subject to the provisions of this act; *provided*, that such amended location notice does not interfere with the existing rights of others at the time of posting and filing such amended location notice, and no such amended location notice or the record thereof, shall preclude the claimant, or claimants from proving any such title as he or they may have held under previous locations.

Amended
notice.

1426i. Where a locator, or his assigns, has the boundaries and corners of his claim established by a United States deputy mineral survey, or a licensed surveyor of this state, and his claim connected with the corner of the public or minor surveys of an established initial point, and incorporates into the record of the claim, the field notes of such survey, and attaches to and files with such location notice, a certificate of the surveyor, setting forth: first, that said survey was actually made by him, giving the date thereof; second, the name of the claim surveyed and the location thereof; third, that the description incorporated in the declaratory statement is sufficient to identify; such survey and certificate becomes a part of the record, and such record is prima facie evidence of the facts therein contained.

Surveyed
claims.

1426j. The proprietor of a vein or lode claim or mine, or the owner of a quartz mill or reduction works, or any person qualified by the laws of the United States, may locate not more than five acres of non-mineral land as a mill site. Such location shall be made in the same manner as hereinbefore required for locating placer claims.

Mill site,
location of.

1426k. The locator of a mill site claim or location shall, within thirty days from the date of his location, record a true copy of his location notice with the county recorder of the county in which such location is situated, for which service the recorder shall receive a fee of one dollar.

Record of
location.

1426l. The amount of work done or improvements made during each year to hold possession of a mining claim shall be that prescribed by the laws of the United States, to wit: One hundred dollars annually.

Yearly
work
required.

1426m. Whenever mine owner, company, or corporation shall have performed the labor and made the improvements required by law upon any mining claim, the person in whose behalf such labor was performed or improvements made, or some one in his behalf, shall within thirty days after the time limited for performing such labor or making such improvements make and have recorded by the county recorder, in books kept for that purpose, in the county in which such mining claim is situated, an affidavit setting forth the value of

Record of
work.

labor or improvements made, the name of the claim, and the name of the owner or claimant of said claim at whose expense the same was made or performed. Such affidavit, or a copy thereof, duly certified by the county recorder, shall be prima facie evidence of the performance of such labor or the making of such improvements, or both.

Recorder's
fee.

1426n. For recording the affidavit herein required, the county recorder shall receive a fee of fifty cents.

Delin-
quent
co-owners,
notice to.

1426o. Whenever a co-owner or co-owners of a mining claim shall give to a delinquent co-owner or co-owners the notice in writing or notice by publication provided for in section 2324, Revised Statutes of the United States, an affidavit of the person giving such notice, stating the time, place, manner of service, and by whom and upon whom such service was made, shall be attached to a true copy of such notice, and such notice and affidavit must be recorded in the office of the county recorder, in books kept for that purpose, in the county in which the claim is situated, within ninety days, after the giving of such notice; for the recording of which said recorder shall receive the same fees as are now allowed by law for recording deeds; or if such notice is given by publication in a newspaper, there shall be attached to a printed copy of such notice an affidavit of the printer or his foreman, or principal clerk of such paper, stating the date of the first, last and each insertion of such notice therein, and where the newspaper was published during that time, and the name of such newspaper. Such affidavit and notice shall be recorded as aforesaid, within one hundred and eighty days after the first publication thereof. The original of such notice and affidavit, or a duly certified copy of the record thereof, shall be prima facie evidence that the delinquent mentioned in section 2324 has failed or refused to contribute his proportion of the expenditure required by that section, and of the service of publication of said notice; *provided*, the writing or affidavit hereinafter provided for is not of record. If such delinquent shall, within the ninety days required by section 2324, aforesaid, contribute to his co-owner or co-owners, his proportion of such expenditures, and also all costs of service of the notice required by this section, whether incurred for publication charges, or otherwise, such co-owner or co-owners shall sign and deliver to the delinquent or delinquents a writing, stating that the delinquent or delinquents by name has within the time required by section 2324 aforesaid, contributed his share for the year, upon the mine, and further stating therein the district, county and state wherein the same is situated, and the book and page where the location notice is recorded, if said mine was located under the provisions of this act; such writing shall be recorded in the office of the county recorder of said county, for which he shall receive the same fees as are now allowed by law for recording deeds. If such co-owner or co-owners shall fail to sign and deliver such writing to the delinquent or delinquents within twenty days after such contribution, the co-owner or co-owners so failing as aforesaid

Payment
by delin-
quents.

shall be liable to the penalty of one hundred dollars to be recovered by any person for the use of the delinquent or delinquents in any court of competent jurisdiction. If such co-owner or co-owners fail to deliver such writing within said twenty days, the delinquent, with two disinterested persons having personal knowledge of such contribution, may make affidavit setting forth in what manner, the amount of, to whom, and upon what mine, such contribution was made. Such affidavit, or a record thereof, in the office of the county recorder, of the county in which such mine is situated, shall be prima facie evidence of such contribution.

1426p. The record of any location of a mining claim, mill site or tunnel right, in the office of the county recorder, as herein provided shall be received in evidence, and have the same force and effect in the courts of the state as the original notice.

Records to be received in evidence.

1426q. Copies of the records of all instruments required to be recorded by the provisions of this act, duly certified by the recorder, in whose custody such records are, may be read in evidence, under the same circumstances and rules as are now, or may be hereafter provided by law, for using copies of instruments relating to real estate, duly executed or acknowledged or proved and recorded.

Copies of records as evidence.

1426r. The provisions of this act shall not in any manner be construed as affecting or abolishing any mining district or the rules and regulations thereof within the State of California.

Effect on mining districts.

1426s. The failure or neglect of any locator of a mining claim to perform development work of the character, in the manner and within the time required by the laws of the United States, shall disqualify such locators from relocating the ground embraced in the original location or mining claim or any part thereof under the mining laws, within three years after the date of his original location and any attempted relocation thereof by any of the original locators shall render such location void.

Neglect to perform development work.

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

SEC. 3. This act shall take effect and be in force on and after July 1, 1909.

CHAPTER 206.

An act to amend section number 1774 of the Code of Civil Procedure of the State of California relative to settlement of accounts of guardians of insane persons.

[Approved March 13, 1909.]

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

SECTION 1. Section 1774 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:—

Settle-
ments of
guardians.

1774. The guardian must upon the expiration of a year from the time of his appointment and as often thereafter as he may be required, present his account to the court for settlement and allowance, *provided* that no final account of the guardian of any insane person, who is or has been during such guardianship confined in a state hospital in this state, shall be settled or allowed unless notice of the settlement of said account shall have been first given to the secretary of the state commission in lunacy.

CHAPTER 207.

An act to amend section 4248 of the Political Code as amended in 1907, statutes of 1907, pages 476 and 479, relating to the compensation of officers in counties of the nineteenth class.

[Approved March 13, 1909.]

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

SECTION 1. Section 4248 of the Political Code of California as amended in 1907, is hereby amended to read as follows:

Salaries in
counties of
nineteenth
class
(Contra
Costa).

4248. In counties of the nineteenth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries to wit:

1. The county clerk three thousand two hundred and fifty dollars per annum; *provided*, that in counties of this class there shall be one deputy county clerk, who shall be appointed by the county clerk, and paid a salary of one hundred and fifteen dollars per month, said salary to be paid by the said county in monthly installments at the same time, and in the same manner, and out of the same fund as the salary of the county clerk is paid; one registration clerk, who shall be appointed by the county clerk and paid a salary of eighty-five dollars per month, said salary to be paid by the said county in

monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid; a stenographer, to the county clerk who shall be appointed by the county clerk and paid a salary of sixty dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid; *provided*, that in any year that the compilation of a new great register is required by law to be made, the county clerk shall receive expenses in a sum of not to exceed five cents per name for each registered elector for compiling and making up such new great register, *and provided further* that in any year when a new registration of voters is required by law, that said county clerk may appoint such number of deputies as may be necessary for the convenient 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 sum to be paid out of the general fund of said county on the presentation and filing with the board of supervisors, of said county, of a duly verified claim therefor, approved by said county clerk.

Salaries in counties of nineteenth class (Contra Costa).

2. The sheriff, five thousand dollars per annum, and such mileage as is now allowed by law; all expenses incurred in criminal cases and also all fees for service of papers in actions arising outside of his county, and the sum of thirty-seven and one half cents per day for feeding each prisoner committed to his custody; and one deputy sheriff to act as jailer, who shall be appointed by the sheriff, and paid a salary of one hundred twenty-five dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

3. The recorder, three thousand two hundred and fifty dollars per annum, and ten cents per name for inserting each name (as grantor or grantee) in the general index and ten cents for each and every mortgage, trust deed and tax sale abstracted in preparing abstract of mortgage and tax sales for the assessor; the cost thereof shall be a charge against the county and payable out of the general fund; *provided*, that in counties of this class there shall be one deputy recorder, who shall be appointed by the recorder and paid a salary of one hundred dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the recorder is paid.

4. The auditor two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be one redemption clerk who shall be appointed by the auditor and paid a salary of eighty-five dollars per month, the said salary to be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the auditor is paid.

5. The treasurer, three thousand dollars per annum, *provided*,

Salaries in
counties of
nine-
teenth
class
(Contra
Costa).

that the bond of the treasurer shall be executed with a reliable bonding and surety company and that the cost of said bond, when duly approved, shall be a charge against the county and payable out of the general fund.

6. The tax collector, eighteen hundred dollars per annum and as license collector ten per cent of all licenses collected; *provided*, that in counties of this class there shall be one deputy tax collector, who shall be appointed by the tax collector and paid a salary of one hundred and twenty-five dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; in counties of this class there shall be allowed to the tax collector for the months in each year hereinafter designated the copyists hereinafter specified, which said copyists shall be appointed by the tax collector and which said copyists shall receive as compensation during the months they are employed the sum of forty dollars per month each to be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid, to wit: two copyists for the months of April, May, August, September, October and November in each year; one additional copyist for the months of September, October and November in each year.

7. The district attorney two thousand five hundred dollars per annum, *provided*, that in counties of this class, there shall be one deputy district attorney, who shall be appointed by the district attorney and paid a salary of one hundred twenty-five dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid, *provided*, that in counties of this class, the district attorney may appoint a stenographer, and such stenographer shall receive as compensation for his or her services the sum of forty dollars per month, to be paid in equal monthly installments in the same manner and at the same time and out of the same fund as the salary of the district attorney is paid.

8. The superintendent of schools, two thousand four hundred dollars per annum; and actual traveling expenses when visiting the schools of his county, *provided*, that in counties of this class there shall be one deputy superintendent of schools, who shall be appointed by the superintendent of schools and paid a salary of seventy-five dollars per month, said salary to be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of superintendent of schools is paid.

9. The assessor three thousand two hundred and fifty dollars per annum; *provided*, that in counties of this class there shall be one deputy assessor, to be appointed by the assessor and paid a salary of one hundred twenty-five dollars per month, said salary to be paid by the said county in monthly installments and out of the same fund as the salary of the county assessor is paid;

and provided further that there shall be and is hereby allowed to the assessor in counties of this class five field deputies, to be appointed by the assessor and to each hold office during the months of March, April, May, June and July in each year and to be paid a salary of one hundred dollars per month each during said months. Said salaries to be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid.

10. The coroner, such fees as are now, or may hereafter be allowed by law, *provided*, that in counties of this class the coroner may appoint a stenographer, which said stenographer shall receive as compensation for his or her services a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of county officers is paid.

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

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand or more, one hundred dollars a month; in townships having a population of twenty-five hundred and less than three thousand, fifty dollars a month; in townships having a population of two thousand and less than twenty-five hundred forty-five dollars a month; in townships having a population of twelve hundred and less than two thousand, forty dollars a month; in townships having a population of one thousand and less than twelve hundred, twenty dollars a month; in townships having a population of four hundred and fifty and less than one thousand, fifteen dollars a month; in townships having a population of less than four hundred and fifty, five dollars a month. Each justice must pay into the county, once a month all fines collected by him in criminal cases, and the auditor must withhold warrants for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury. In addition to the monthly salary allowed herein, each justice may receive for his own use in civil cases the fees allowed by law. For all services appertaining to the coroner's office which the coroner is unable to attend to, the justice of the peace shall receive the same fees as are allowed the coroner in similar cases.

14. Constables shall receive the following salaries to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases. In townships having a population of three thousand or more, one hundred dollars a month; in townships having a population of twenty-five hundred and less than three thousand, eighty dollars a month; in townships having a population of

two thousand and less than twenty-five hundred, seventy-seven and one half dollars a month; in townships having a population of twelve hundred and less than two thousand, seventy-five dollars a month; in townships having a population of one thousand and less than twelve hundred, thirty-five dollars a month; in townships having a population of four hundred and fifty and less than one thousand, twenty-five dollars a month; in townships having a population of less than four hundred and fifty, five dollars a month; *provided further*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his township, for service of a warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law. For transporting prisoners to the county jail, the actual expense of such transportation. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law.

Fees of
constables.

Determi-
nation of
popula-
tion.

15. The population of the several judicial townships, for the purpose of fixing the compensation of township officers, shall be ascertained and declared by the board of supervisors on the first Monday after the first day of January, nineteen hundred eleven, and on the first Monday after the first day of January every succeeding two years thereafter.

super-
visors.

16. Each member of the board of supervisors nine hundred dollars per annum, and as road commissioner three hundred dollars per annum, and expenses, as supervisor and road commissioner not to exceed twenty cents per mile one way for traveling from his residence while engaged in the performance of the duties of supervision of public road as road commissioner, or other business of the county, said expenses not to exceed fifty dollars in any one month.

CHAPTER 208.

An act to amend section 4243 of the Political Code of the State of California, relating to the compensation and expenses of officers in counties of the fourteenth class.

[Approved March 13, 1900.]

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

SECTION 1. Section 4243 of the Political Code of the State of California, is hereby amended so as to read as follows:

Salaries in
counties of
four-
teenth
class (Men-
dochino).

4243. In counties of the fourteenth class the county and township officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries and fees, to wit:

1. The county clerk, three thousand dollars per annum. In counties of this class there shall be and there is hereby allowed to the county clerk for his own use and to be paid out of the county treasury monthly in the same manner as salaries of other county officers are paid, the sum of five cents for the name of each defendant entered in the index labeled "General Index—Defendants" as provided in subdivision four of section four thousand one hundred and seventy-eight; and the further sum of five cents for each document recorded by said county clerk under the provisions of section one thousand three hundred eighty-seven of the Code of Civil Procedure; and the further sum of five cents for each name contained in the index of registration books, to be prepared by said clerk, under the provisions of section one thousand one hundred fifteen of this code; and the further sum of ten cents each for the filing and indexing of proceedings in coroners inquests.

Salaries in counties of fourth class (Mendocino).

2. The sheriff, four thousand dollars per annum. The board of supervisors shall allow to the sheriff his necessary expenses for pursuing criminals, or transacting any criminal business, and for boarding prisoners in the county jail; *provided* that the board of supervisors shall fix a reasonable price at which such prisoners shall be boarded, if not otherwise provided for in this title; *provided, further*, that the sheriff shall be entitled to receive and retain for his own use, five dollars per diem for conveying prisoners to and from the state prisons, and for conveying persons to and from the insane asylums, or other state institutions not otherwise provided for by law; also all expenses necessarily incurred in conveying insane persons to and from the insane asylums, and in conveying persons to and from the state prisons, or other state institutions, which per diem and expenses shall be allowed by the board of examiners and collected from the state. The court shall also allow the sheriff his necessary expenses in keeping and preserving property seized on attachment or executions, to be paid out of the fees collected in the action. The sheriff may also retain for his own use the mileage allowed by law for the service of all papers or process, *provided* that in no case shall the sheriff be allowed to retain for his own use for the service of any paper or process, the mileage for more than ten miles, and when more than one paper or process is served at the same time or on the same trip, he shall be allowed to retain only one mileage. Except in this section provided, the sheriff shall receive no other or further compensation whatsoever.

3. The recorder, two thousand one hundred dollars per annum.

4. The auditor, two thousand four hundred dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector and license collector, two thousand two hundred dollars per annum.

7. The assessor three thousand dollars per annum.

8. The district attorney two thousand seven hundred dollars

per annum, and his traveling, office and other expenses in criminal matters and cases, and in civil actions, proceedings and all other matters in which the county is interested incurred by him in the performance of his duties; and all the expenses incurred by him in the detection of crime and prosecution of criminal cases and in civil actions and proceedings and all other matters in which the county is interested.

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

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

11. The superintendent of schools, two thousand four hundred dollars per annum and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Justices of
the peace.

13. Justices of the peace, the following monthly salaries, to be paid each month, as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships where the population is two thousand or more, forty dollars per month; in townships where the population is one thousand and less than two thousand, thirty dollars per month; in townships where the population is less than one thousand, twenty dollars per month. In addition to the above salaries, each justice of the peace may collect, for his own use, in civil cases, such fees as are now or may hereafter be allowed by law.

Super-
visors.

14. Each member of the board of supervisors, six hundred dollars per annum, and twenty cents per mile mileage in traveling to and from his residence to the county seat; and for his services as road commissioner, he shall receive twenty cents per mile for all distances actually traveled by him in the performance of his duties within the county; *provided*, he shall not in any one year receive more than six hundred dollars as such road commissioner.

Consta-
bles.

15. Constables, the following monthly salaries to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases, except as in this subdivision provided: In townships where the population is two thousand or more, forty dollars per month; in townships where the population is one thousand and less than two thousand, thirty dollars per month; in townships where the population is less than one thousand, twenty dollars per month. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law, for all services performed by him in civil actions. The constable shall, also, in addition, receive three dollars per day for attending court when required to do so during the actual trial of the issues of fact of a case, or during the examination of a criminal charge before a magistrate, while the evidence is being taken, and not otherwise; *provided*, that no more than

Fees.

three dollars shall be charged or received for any one day; *and provided, further*, that when the constable is required to attend upon the trial of more than one civil case on the same day, his fees for attendance shall be equally apportioned to the several cases. Constables may also, by first obtaining an order of the district attorney of this county, or of a judge of the superior court of this state, employ a temporary guard for the safe-keeping or protection of prisoners when necessary, and shall be entitled to collect the actual reasonable cost thereof as a county charge. Constables shall also be entitled to receive in addition to the fees and salary in this subdivision provided for, the moneys actually disbursed by them in conveying prisoners or insane persons to the county seat, and all expenses actually incurred in the pursuit within the county of insane persons or criminals charged with felony and the same shall be a county charge. The population of townships shall, for the purpose of subdivisions 13 and 15 of this section, be determined by multiplying the vote for governor cast in each township at the next preceding general state election by five.

Protection
of prison-
ers.Determi-
nation of
popula-
tion.

SEC. 2. Except as to subdivisions 13 and 15, this act shall not take effect until the expiration of the present term of officers hereinabove enumerated.

When act
in effect.

CHAPTER 209.

An act to repeal sections two thousand and forty-two and two thousand and forty-three of the Political Code of California, relating to the national guard.

[Approved March 13, 1909.]

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

SECTION 1. Section two thousand and forty-two of the Political Code of California is hereby repealed.

Secs. 2042
and 2043
Pol. C.
repealed.

SEC. 2. Section two thousand and forty-three of the Political Code of California is hereby repealed.

SEC. 3. The provisions of this act shall be in force and effect from and after its passage and approval.

CHAPTER 210.

An act to amend the Penal Code of California by adding a new section thereto to be numbered 637c, and relating to the preservation of seals and sea lions in the waters of Santa Barbara channel.

[Approved March 13, 1900.]

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

SECTION 1. A new section is hereby added to the Penal Code of California to be numbered 637c and to read as follows:

Seals in
Santa Bar-
bara chan-
nel, pro-
tection of.

637c. Every person who shoots or otherwise kills, destroys, wounds, maims, takes, captures or cripples, by scincs, set-nets, nets, traps, nets or any other kind of fixed, permanent or loose trap or contrivance, any seal or sea lion in the waters of the Santa Barbara channel, or on, near or about any lands adjacent thereto, is guilty of a misdemeanor, and upon conviction thereof is punishable by a fine of not less than one hundred dollars or by imprisonment in the county jail not less than sixty days, or by both such fine and imprisonment; *provided*, that the state fish commission may grant permission to any person whom it deems fit, to kill, trap, net, or capture alive, seals or sea lions for scientific or exhibition purposes, the number allowed to be killed or captured to be specified in said permit.

CHAPTER 211.

An act to definitely establish, and permanently locate, the boundary line between the county of Lake and the county of Glenn and a portion of the boundary line between the counties of Lake and Mendocino and the counties of Lake and Colusa, State of California.

[Approved March 13, 1900.]

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

Lake
county,
northerly
and cast-
erly
boundary.

SECTION 1. The northerly and easterly boundary of Lake county, between Mount Hull and the common section corner of sections 16, 17, 20 and 21 in township twenty (20), north range nine (9), west M. D. B. and M. is hereby established and permanently located as follows: Beginning at the monument on top of Mount Hull, established by T. P. Smythe and R. P. Hammond and party on October 20th, 1885; and approved by H. J. Willey, surveyor general of the State of California, on

December 23rd, 1885; thence due north to the half section line running east and west through section two (2), township nineteen (19) north, range ten (10) west, M. D. B. and M.; thence east along said half section line through sections two (2) and one (1) of said township, range, base and meridian, and then through section five (5) to the southeast corner of the northeast quarter of said section five (5), township nineteen (19) north, range nine (9) west M. D. B. and M.; thence north along the line between and dividing sections four (4) and five (5) of said township, range, base and meridian, and continuing north along the line between and dividing sections thirty-two (32) and thirty-three (33), and twenty-eight (28), to the common section corner of section sixteen (16), seventeen (17), twenty (20), and twenty-one (21), township twenty (20) north, range nine (9) west.

Sec. 2. The boundary line between the county of Lake and the county of Glenn is hereby established and permanently located as follows: Beginning at a point established by section two of "An act to definitely establish and permanently locate the eastern boundary line of Mendocino county between Mount Shull and the southwest corner of Tehama county and establish the western boundary of the county of Glenn between Mendocino and Glenn counties." approved March 8th, 1907. Said point being the corner of sections sixteen (16), and seventeen (17), twenty (20), and twenty-one (21), township twenty (20) north, range nine (9) west, M. D. M. according to the United States survey thence east between sections sixteen (16), twenty-one (21), fifteen (15), twenty-two (22), fourteen (14), twenty-three (23), thirteen (13), twenty-four (24), of township twenty (20) north, range nine (9) west, M. D. M. and sections eighteen (18), nineteen (19), seventeen (17), twenty (20), sixteen (16), twenty-one (21), fifteen (15), twenty-two (22), township twenty (20) north, range eight (8) west, M. D. M. to corner of sections fourteen (14), fifteen (15), twenty-two (22), twenty-three (23), township twenty (20) north, range eight (8) west, M. D. M.; thence south between sections twenty-two (22), twenty-three (23), twenty-six (26), twenty-seven (27), thirty-four (34), thirty-five (35), township twenty (20) north, range eight (8) west, M. D. M. and sections two (2), three (3), ten (10), eleven (11), fourteen (14), fifteen (15), twenty-two (22), twenty-three (23), twenty-six (26), twenty-seven (27), to one-quarter ($\frac{1}{4}$), section corner on section line dividing sections twenty-six (26), and twenty-seven (27), township eighteen (18) north, range eight (8) west, M. D. M.; said point being on boundary line between the county of Glenn and the county of Colusa as established by "An act to change and permanently locate the boundary line between the counties of Glenn and Colusa, approved March 11th, 1893."

Lake and
Glenn
counties.
boundary
line
between.

Lake and
Colusa
counties,
boundary
line
between.

SEC. 3. The boundary line between Lake county and Colusa county between the northwest corner of Colusa county and the southeast corner of the northeast one-quarter ($\frac{1}{4}$) of section twenty-seven (27), township eighteen (18) north, range eight (8) west, M. D. B. M. is hereby established and permanently located as follows: Beginning at the southeast corner of the northeast one-quarter ($\frac{1}{4}$) of section twenty-seven (27), township eighteen (18) north, range eight (8) west, M. D. B. and M.; running thence westerly along the half section line and one and one-half ($1\frac{1}{2}$) miles north of the line dividing townships seventeen (17), and eighteen (18), of Mount Diablo base and meridian, said one-half ($\frac{1}{2}$) section line being the northern boundary of Colusa county as fixed by "An act to change and permanently locate the boundary line between the counties of Glenn and Colusa, approved March 11th, 1893", to the northwest corner of the southwest one-quarter ($\frac{1}{4}$) of section thirty (30), township eighteen (18) north, range eight (8) west, M. D. B. and M.

SEC. 4. This act shall take effect immediately upon its passage.

CHAPTER 212.

An act to amend section 922 of the Code of Civil Procedure of the State of California relating to justices' courts.

[Approved March 13, 1900.]

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

SECTION 1. Section 922 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Disability
of justice.

922. In case of the sickness or other disability or necessary absence of a justice, another justice of the same county may, at his request, attend in his behalf, and thereupon is vested with the power and may perform all the duties and issue all the papers or process of the absent justice. In case of a trial the proper entry of the proceedings before the attending justice, subscribed by him, must be made in the docket of the justice before whom the summons was returnable. If the case is adjourned, the justice before whom the summons was returnable may resume jurisdiction.

CHAPTER 213.

An act to amend section number 1763 of the Code of Civil Procedure of the State of California relating to appointment of guardians of insane and incompetent persons.

[Approved March 13, 1909.]

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

SECTION 1. Section 1763 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

1763. When it is represented to the superior court, or a judge thereof, upon verified petition of any relative or friend, that any person is insane, or from any cause mentally incompetent to manage his property, such court or judge must cause a notice to be given to the supposed insane or incompetent person of the time and place of hearing the case, not less than five days before the time so appointed, and such person, if able to attend, must be produced on the hearing, *provided* that when such person is a patient at a state hospital in this state, the certificate of the medical superintendent or acting medical superintendent of such state hospital, to the effect that such patient is unable to attend on the hearing shall be prima facie evidence of such fact.

Guardians
of insane
or incom-
petent
persons.

CHAPTER 214.

An act to amend section 498 of the Penal Code of the State of California, relating to the stealing or unauthorized use of gas and the injury, obstruction or alteration of gas meters.

[Approved March 13, 1909.]

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

SECTION 1. Section 498 of the Penal Code of the State of California is hereby amended to read as follows:

498. Every person who shall willfully, with intent to injure or defraud, make or cause to be made, or uses or causes to be used, any pipe, tube, or other instrument or conduit in connection with any main, service pipe or other pipe or conduit owned or controlled by any other person for conducting or supplying illuminating or fuel gas, in such manner as to supply such or any illuminating or fuel gas to any burner, or outlet by or at which illuminating or fuel gas is consumed or otherwise used or wasted without passing through any

Injuries to
gas service
pipes.

meter provided for the measuring and registering the quantity of gas passing through such pipes, tubes or other conduits, or willfully acts in any other manner so as to evade, or cause the evasion of payment therefor, and every person who, with like intent, injures or alters any gas meter or register, or obstructs its action, is guilty of a misdemeanor.

CHAPTER 215.

An act to add to the Penal Code of California a new section, to be numbered section 633, relating to the protection and preservation of golden trout.

[Approved March 13, 1900.]

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

SECTION 1. A new section is hereby added to the Penal Code of California to be numbered six hundred and thirty-three and to read as follows:

Golden
trout, pro-
tection of.

633. Every person, who at any time between the first day of September and the first day of June of the succeeding year, takes, catches, kills, destroys, or has in his possession, any variety of golden trout, or who, at any time, takes, catches, kills or destroys any variety of golden trout other than with hook and line; or who, at any time, takes, catches, kills, or destroys, or has in his possession during one calendar day more than twenty golden trout, or has in his possession any variety of golden trout of less than five inches in length, is guilty of a misdemeanor. Every person found guilty of any violation of any of the provisions of this section must be fined in a sum not less than twenty dollars or be imprisoned in the county jail in the county in which the conviction shall be had, not less than ten days or be punished by both such fine and imprisonment, and all fines collected for any violation of any of the provisions of this section must be paid into the state treasury to the credit of the fish commission fund. Nothing in this section shall prohibit the United States fish commission and the fish commission of this state from taking at all times such golden trout as they deem necessary for the purpose of propagation or for scientific purposes.

Penalty.

CHAPTER 216.

An act appropriating seventy-five thousand (\$75000) dollars to complete, equip, and furnish the buildings of the San Jose State Normal School.

[Approved March 13, 1909.]

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

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of seventy-five thousand (\$75000) dollars to be paid on order of the board of trustees of the San Jose State Normal School, to complete, equip and furnish the buildings of the San Jose State Normal School. Appropriation to complete buildings.

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

CHAPTER 217.

An act to amend an act entitled "An act to provide for the planting, maintenance and care of shade trees upon the streets, lanes, alleys, courts and places within municipalities and of hedges upon the lines thereof; also for the eradication of certain weeds within the city limits." Approved March 11th, 1893.

[Approved March 13, 1909.]

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

SECTION 1. Section two of an act entitled "An act to provide for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts and places within municipalities and of hedges upon the lines thereof; also for the eradication of certain weeds within city limits." Approved March 11th, 1893, is hereby amended to read as follows:

Section 2. The city council of any municipality in the state may, at its discretion, pass a resolution of intention to plant, or cause to be planted, with shade trees, any graded street, lane, alley, place, or court within the limits of such municipality. Such resolution of intention may embrace the entire length of any street, lane, alley, place, or court, or any portion thereof, but must specify the kind of trees to be Shade trees on graded streets.

planted, their size, age, and their distance apart. The street superintendent shall thereupon cause to be conspicuously posted along both sides of the street mentioned in the resolution, at not more than three hundred feet in distance apart, notices of the passage of said resolution. Said notice shall be headed "Notice to plant shade trees," in letters not less than one inch in length, and shall, in legible characters, set forth the language of the resolution, and the date of its passage. The city clerk shall also cause a copy of the resolution to be published for six days in one or more daily newspapers published and circulated in said city, and designated by said city council. Should there be no daily newspaper published in said city then in such case publication may be made of such resolution, and of all other matters herein provided to be published, in a weekly newspaper, published and circulated in said city, and designated by said city council.

Publica-
tion of
resolution.

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

CHAPTER 218.

An act to prevent the formation and prohibit the existence of secret, oath-bound fraternities in the public schools.

[Approved March 13, 1909.]

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

Anti-frat
act.

SECTION 1. From and after the passage of this act, it shall be unlawful for any pupil, enrolled as such in any elementary or secondary school of this state, to join or become a member of any secret fraternity, sorority or club, wholly or partly formed from the membership of pupils attending such public schools, or to take part in the organization or formation of any such fraternity, sorority or secret club; *provided*, that nothing in this section shall be construed to prevent any one subject to the provisions of the section from joining the order of the Native Sons of the Golden West, Native Daughters of the Golden West, Foresters of America or other kindred organizations not directly associated with the public schools of the state.

Duty of
school
trustees.

SEC. 2. Boards of school trustees, and boards of education shall have full power and authority to enforce the provisions of this act and to make and enforce all rules and regulations needful for the government and discipline of the schools under their charge. They are hereby required to enforce the provisions of this act by suspending, or, if necessary, expelling a pupil in any elementary or secondary school who refuses or neglects to obey any or all such rules or regulations.

CHAPTER 219.

An act to amend section 1251 of the Political Code of the State of California, concerning salaries and fees of officers in counties of the twenty-second class.

[Approved March 13, 1900.]

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

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

4251. In counties of the twenty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

Salaries in
counties of
twenty-
second
class
(Shasta).

1. The county clerk, three thousand dollars per annum, and when a new great register of voters is required by law to be made, he shall receive three hundred dollars additional, which shall be in full for all services required in registering voters and making the great register.

2. The sheriff, fifty-one hundred dollars per annum, which includes the fifteen hundred dollars heretofore allowed the under sheriff. He shall also have for his own use all fees for service of all papers served by him and issued without his county. The said fifty-one hundred dollars to be in full of all fees or percentages as license collector.

3. The recorder, thirty-two hundred dollars per annum, in full of all services, including filing and recording mining and other location notices.

4. The auditor, two thousand dollars per annum. The county auditor shall charge and collect for the clerical service of making estimates of tax sales provided for in section three thousand eight hundred and seventeen of this code the sum of twenty-five cents for each tax sale if the property is delinquent for two years or less; the sum of fifty cents for each sale if the property is delinquent for more than two years.

If said estimates are returned to the auditor and redemption made within thirty days from date of issue and prior to the change of penalty, as provided for in section number three thousand eight hundred and seventeen of this code, the amount charged for making said estimates shall be refunded to the redemptioner. If the redemption is not made as herein provided then the sum charged for making the estimate shall be retained by said auditor for his services of making said estimates.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, twenty-four hundred dollars per annum, and he is hereby allowed in addition thereto ten deputies, to be appointed by him, who shall each receive four dollars per day

for not exceeding three months in any calendar year, while engaged in the performance of their duties; *provided*, that the amount paid for services of deputy assessors shall not exceed twenty-four hundred dollars in any one year; *provided*, that two-thirds of all commissions received by the assessor on the collection of road poll taxes and hospital poll taxes shall be paid into the county treasury.

8. The district attorney, twenty-one hundred dollars per annum, and he is hereby allowed in addition thereto one deputy appointed by him, who shall receive nine hundred dollars per annum.

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

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

11. The superintendent of schools, eighteen hundred dollars per annum, and necessary expenses for traveling in visiting schools in the county, to be allowed by the supervisors of the county; and there shall be, and there is allowed to the superintendent in addition, a clerk or bookkeeper, who shall be appointed by the superintendent of schools, who shall be paid a salary of six hundred dollars per annum, said salary to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Classification
of
townships.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships in this class of counties are hereby classified according to their population, as shown by the federal census of nineteen hundred, as follows: Townships having a population of three thousand and more shall belong to and be known as townships of the first class; townships having a population of two thousand and less than three thousand shall belong to and be known as townships of the second class; townships having a population of one thousand six hundred and less than two thousand shall belong to and be known as townships of the third class; and townships having a population of less than one thousand six hundred shall belong to and be known as townships of the fourth class.

Justices of
the peace:
salaries.

Justices of the peace shall receive the following salaries, which shall be paid monthly, in the same manner as the salaries of county officers are paid, out of the general fund of the county, and which shall be in full of all services rendered by them in criminal cases, to wit: In townships of the first class, eighty-five dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third class, twenty dollars per month; and in townships of the fourth class, ten dollars per month. In addition to the monthly salaries herein allowed for services in criminal actions, cases and examinations, each justice of the peace may, for his own use, collect the following fees, and no other, in civil actions:

Each justice of the peace shall be allowed, in civil actions ^{Fees.} before him, for all services to be performed by him before trial, three dollars; and for the trial, and all proceedings subsequent thereto, including all affidavits, swearing of witnesses and jury, and the entry of judgment and issue of execution thereon, four dollars; and fifteen cents for each hour actually engaged in such trial after the expiration of eight hours; and in all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, three dollars.

For certificate and transmitting transcript and papers on appeal, one dollar.

For copies of papers on docket, per folio, ten cents.

For issuing a search warrant, to be paid by the party demanding the same, fifty cents.

For celebrating a marriage and returning a certificate thereof to the county recorder, three dollars.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For taking depositions, per folio, fifteen cents.

For all services connected with the posting of estrays, one dollar.

In cases before the justice of the peace, when the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive three dollars; and the justice of the peace before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

For performing the duties of coroner, when the coroner fails to act, the same fees and mileage as are allowed the coroner in like cases.

For issuing each process, writ, order, or paper required by law to be issued, not otherwise provided for, twenty-five cents.

For each certificate or affidavit not otherwise herein provided for, twenty-five cents.

For administering oath or affirmation not otherwise herein provided for twenty-five cents.

For taking and approving bond or undertaking, including the justification of sureties, fifty cents.

14. Constables shall receive the following salaries, which shall be paid monthly, in the same manner as the salaries of county officers are paid, out of the general fund of the county, and which shall be in full of all services rendered by them in criminal cases, to wit:

Constables:
salaries.

In townships of the first class, one hundred dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third class, twenty dollars per month, and in townships of the fourth class, ten dollars per month. In addition to the monthly salaries herein allowed for services in criminal actions, cases and proceedings, each constable shall also be allowed all necessary expenses actually and

properly incurred, in arresting and conveying prisoners to court or to prison, and also all necessary expenses actually incurred in the transportation of prisoners from prison to court, and the return of said prisoners to prison; and shall be allowed, also, for each mile actually traveled, both in going and coming, in the service of subpoenas, in criminal actions, per mile, ten cents; which said expenses and mileage shall be audited and allowed by the board of supervisors as other claims against the county are audited and allowed, and shall be paid out of the county treasury.

Fees.

In addition to the monthly salaries herein allowed for services in criminal actions and cases, each constable may, for his own use, collect the following fees, and no others, in civil actions:

For serving summons and complaint, for each defendant served, fifty cents.

For each copy of summons for service, when actually made by him, twenty-five cents.

For levying writ of attachment or execution, or executing order of arrest, or for the delivery of personal property, one dollar.

For serving writ of attachment or execution on any ship, boat, or vessel, three dollars.

For keeping personal property, such sum as the court may order; but no more than one dollar and fifty cents per day shall be allowed for a keeper when necessarily employed.

For taking bond or undertaking, fifty cents.

For copies of writs and other papers, except summons, complaint, and subpoenas, per folio, ten cents; *provided*, that when correct copies are furnished to him for use, no charge shall be made for such copies.

For serving any writ, notice, or order, except summons, complaint, and subpoenas, for each person served, fifty cents.

For writing and posting each notice of sale of property, fifty cents.

For furnishing notice for publication, twenty-five cents.

For serving subpoenas, each witness, including copy, twenty-five cents.

For collecting money on execution, one and one half per cent.

For executing and delivering certificate of sale, fifty cents.

For executing and delivering constable's deed, one dollar and fifty cents.

For each mile actually traveled within his township in the service of any writ, order, or paper, in civil actions, in going only, per mile, twenty-five cents.

For traveling outside of his township to serve such writ, order, or paper, in civil actions, in going only, twenty-five cents per mile; *provided*, that a constable shall not be required to travel outside of his township to serve any civil process, order, or paper. No constructive mileage shall be charged, allowed, or paid, in criminal or civil cases.

For each day's attendance in court, in civil cases, three dollars per day.

For executing a search warrant, two dollars; and for each mile necessarily traveled within his county in executing a search warrant, both in going and returning from place of search, fifteen cents; said fee and mileage to be paid by the party demanding the search.

For summoning a jury, in civil cases, two dollars, including mileage.

For commissions for receiving and paying over money on execution without levy, or when the goods or land levied on shall not be sold, one per cent. The fees herein allowed for the levy of an execution, and for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum herein directed to be paid.

County officers must, and township officers may, demand the payment of all fees in advance. Payment of fees.

Justices of the peace shall, on or before the first Monday of each month, pay into the county treasury all moneys collected by them on fines imposed and collected and all moneys belonging to the county coming from any source.

15. Each member of the board of supervisors, fifteen hundred dollars per annum and ten cents per mile, one way, between residence and county seat, in attending upon all regular, special or adjourned meetings of the board of supervisors; *provided*, that the chairman of the board of supervisors may receive twenty-five cents per mile, one way, between residence and the county seat, when attending at the county seat for the single purpose of counting the money in the county treasury, as required by law. Super-
visors.

SEC. 2. This act shall take effect immediately after its passage, except that subdivision seven of section one of this act shall not take effect until the first Monday in January, one thousand nine hundred and eleven. When act
in effect.

CHAPTER 220.

An act to amend section 402c of the Penal Code, relating to an act to establish and support a bureau of labor statistics.

[Approved March 13, 1909.]

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

SECTION 1. Section 402c of the Penal Code is hereby amended to read as follows:

402c. Any person or corporation employing or directing another to do or perform any labor in the construction, alteration, repairing, painting or cleaning of any house. Unsafe
scaffold-
ing.

building or structure within this state, who knowingly or negligently furnishes or erects or causes to be furnished or erected for the performance of such labor, unsafe or improper scaffolding, slings, hangers, blocks, pulleys, stays, braces, ladders, irons, ropes or other mechanical contrivances, or who hinders or obstructs any officer attempting to inspect the same under the provisions of section "twelve" of "an act to establish and support a bureau of labor statistics approved March 3, 1883, approved February 20, 1901" or who destroys, defaces, or removes any notice posted thereon by such officer, or permits the use thereof, after the same has been declared unsafe by such officer, contrary to the provisions of said section "twelve" of said act, shall be guilty of a misdemeanor.

CHAPTER 221.

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

[Approved March 13, 1900.]

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

Deficiency
appropriation.

Clerk of
supreme
court.

SECTION 1. The sum of two thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the deficiency in the appropriation for postage and contingent expenses of the clerk of the supreme court for the fifty-ninth and sixtieth fiscal years. the same having been approved by the state board of examiners.

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

SEC. 3. This act shall take effect immediately.

CHAPTER 222.

An act to provide for the formation, organization and government of storm water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any innavigable stream, water course, canyon or wash, for the construction of the necessary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing and maintaining such improvements.

[Approved March 13, 1900.]

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

SECTION 1. Storm water districts may be formed under the provisions of this act for the purpose of protecting the lands in such districts from damage from storm water, and from the waters of any innavigable stream, water course, canyon or wash. When ten or more owners of land whose names appear as such upon the last assessment roll, in any district of land which lies in one body and is liable to damage from storm water or from the waters of any innavigable stream, water course, canyon or wash, shall present a petition to the board of supervisors of the county in which said land lies, or if the same lies in more than one county, then to the board of supervisors of the county in which the greater area of such land lies, setting forth the exterior boundaries of said district and asking that the district so described be formed into a storm water district under the provisions of this act, the said board of supervisors shall pass a resolution declaring their intention to form and organize said portion of said county or counties into a storm water district for the purpose of protecting the land therein from damage from storm water, and from the waters of any innavigable stream, water course, canyon or wash, and describing the exterior boundaries of the district. Said resolution shall fix a time and place for the hearing of the matter, not less than thirty days after the passage thereof, and direct the clerk of said board to publish a notice of the intention of the board of supervisors to form such storm water district, and of the time and place fixed for the hearing, and shall designate some newspaper of general circulation, published and circulated in said proposed storm water district, or if there is no newspaper so published and circulated, then some newspaper of general circulation published and circulated in each county in which any part of said proposed district is situated in which such notice is to be published.

Storm
water
districts,
how
formed.

Resolution
of
intention.

Notice of
intention.

SEC. 2. Thereupon said clerk shall cause to be published in the newspaper or newspapers so designated, for a period of twenty days before the date fixed for the hearing, a notice, which shall be headed "Notice of intention of the board of

Publica-
tion of
notice.

supervisors to form a storm water district." Said notice shall set forth the fact of the passage of such resolution with the date thereof, the boundaries of the proposed district, and the time and place for the hearing, and shall state that it is proposed to assess all property embraced in said proposed storm water district, for the purpose of paying the damages, costs and expenses of constructing and repairing such dikes, levees, ditches, canals and other improvements as may be necessary to protect the land in said district from damage from storm water and from the waters of any unnavigable stream, water course, canyon or wash, and the necessary expense of maintaining the said district, and shall refer to the resolution for further particulars. Said clerk shall send a copy of said notice by registered mail, postage prepaid, to each owner of land in the proposed district whose name appears as such on the last completed assessment roll of the county or counties in which said proposed district lies, addressed to such owner at his address given on such assessment roll, or if no address is so given, then to his last known address, or if it be not known then at the county seat of the county in which his land lies. Said clerk shall make and file in his office an affidavit of such mailing, showing the names and addresses of the persons to whom such notices were sent, which shall be prima facie evidence that said notices were mailed as herein required.

Notice to owners.

Objections to formation of district.

SEC. 3. Any person interested objecting to the formation of such proposed district, or to the extent thereof, may, at or before the time fixed for the hearing of the matter, file a written objection thereto, stating briefly his ground of objection, with the clerk of said board of supervisors, who shall endorse thereon the date of its reception by him, and shall at the time fixed for the hearing, place all such objections filed with him before said board of supervisors.

Hearing.

Declaration of supervisors.

SEC. 4. At the time fixed for the hearing, or to which the hearing may be adjourned, the board of supervisors shall hear the objections filed, if any, and pass upon the same. Said board may, in its discretion, sustain, in whole or in part, any or all of the objections filed, and may change or alter the boundaries of such proposed district to conform to the needs of the district, except that they shall not include therein any territory not included in the boundaries mentioned in the petition, and may, in their discretion, declare such storm water district formed with the boundaries designated by them, and shall designate such district by name as the storm water district of county (or counties); *provided* that no such district shall be formed wherein a majority of the owners of property in said district, according to the last previous assessment roll, object in writing to such action.

Control of district.

SEC. 5. Each storm water district shall be under the control of three trustees, to be elected as hereinafter provided, who shall constitute the governing board thereof. Each trustee shall be a freeholder of the district and shall have resided

therein at least one year next preceding his election, and shall give bond in such sum as the board of supervisors who formed the district shall fix, which bond shall be approved by a superior judge of said county and filed with the county clerk thereof. Said trustees, except those first elected, shall take office on the first day of July next succeeding their election, and shall hold office for the term of two years, and until their successors are elected and qualified.

SEC. 6. Upon the formation of such storm water district the said board of supervisors must call an election therein for the election of three trustees of such district. Notice of said election stating the time, place or places and purpose thereof, and the names of the election officers shall be given by the board by publication in some newspaper of general circulation, designated by the board and published in their county, for two weeks before said election. Such election shall, except as herein otherwise provided, be held in conformity to the law for holding special elections, as to matters provided for thereby, and as to other matters in conformity to the general election law, so far as applicable; but no sample ballots shall be sent out. The election board shall count the votes as soon as the polls are closed, and forward the returns of the election to said board of supervisors. Said board of supervisors at their next regular meeting thereafter shall canvass said returns, and issue certificates of election to the persons elected. The board of trustees so elected shall meet and organize on the next Monday after their certificates of election are issued to them, and shall hold office until the first day of July next succeeding the first regular election of trustees hereinafter provided for after the formation of said district, and until their successors are elected and qualified. On the first Friday of June of each even numbered year there shall be held an election in said storm water district for the purpose of electing three trustees of said district. Such regular election must be called by the board of trustees of such district in the manner herein provided for calling the first election; and the election shall be held in the same manner as the said first election, and certificates of election shall be issued by the trustees.

SEC. 7. The trustees shall receive no compensation for their services. They shall elect one of their own number president. They shall appoint a clerk, who shall hold office at their pleasure, and receive such compensation as they may fix. They must establish and keep an office in or near the district for the transaction of the business thereof, at which all books, records, and papers of the district must be kept and be open to public inspection at all reasonable times. They shall hold regular meetings at such office, at such times as they shall by order prescribe. Special meetings may be held on written order of any two trustees and two days written notice to any trustee not joining in the order. The order must specify the business for which the special meeting is called and no other business shall be transacted thereat.

Election of trustees.

Conduct of election.

Canvass of returns.

Organization of board of trustees.

Trustees, compensation.

Meetings, etc.

Powers of districts.

SEC. 8. Each storm water district shall have power to sue and be sued. The trustees thereof shall have power in the name and in behalf of the district to purchase, receive by donation, or acquire by condemnation any rights of way or other real or personal property necessary to carry out the purposes for which the district was formed, and for that purpose all the provisions of the Code of Civil Procedure relating to eminent domain are hereby made applicable to proceedings by such district to condemn property. The said board of trustees shall also have power to employ such engineers, surveyors and others as may be necessary to survey, plan, or locate, or supervise the construction or repair of, the improvements necessary to carry out the purposes for which the district was formed; to construct, maintain and keep in repair any and all improvements, requisite or necessary to carry out the purposes of the district; and to do any and all other acts and things necessary or required for the protection of the lands in said district from damage from storm waters and from waters of any unnavigable stream, water course, canyon or wash; and to employ the services of any person legal or otherwise, which in the judgment of said board of trustees may be necessary to carry out said purposes. All work of construction, repair, or maintenance, the cost whereof exceeds \$500.00 shall be done by contract; and all contracts shall be let by the board to the lowest responsible bidder, who will give bond for the faithful performance thereof satisfactory to the board, after advertisement for bids published by their clerk for not less than ten days in some newspaper of general circulation, designated by the board and published in the county in which the district or some part thereof is situated, specifying the time and place for the opening of bids, and the particular work to be bid for; *provided however*, that the board may reject all bids and re-advertise, and may by unanimous action in cases of great emergency, the nature of which shall be entered on their minutes, proceed at once to replace or repair any of the works or improvements of the district without advertisement.

Contracts.

Emergency work.

Improvements, survey for determining what.

SEC. 9. As soon as said district is organized, the board of trustees thereof shall cause a survey to be made to determine what improvements shall be made to carry out the purposes of the district, and shall also cause a map of such survey, and plans and specifications showing such improvements in detail, to be prepared, and they shall adopt such map, plans and specifications, and thereafter all such improvements shall be made in accordance with the map, plans and specifications so adopted; *provided*, that at any time after the adoption of said map, plans and specifications, and before the commissioner's report of assessment of benefits and award of damages has been finally adopted and confirmed by the board of trustees, said board may rescind their action in adopting said map, plans and specifications, and may modify the same or adopt others in place thereof.

SEC. 10. After adopting said map, plans and specifications, the board of trustees shall appoint three commissioners, one of whom shall be a civil engineer, to assess benefits and damages and to estimate the total cost of making the proposed improvements, which estimate shall include all expenses of every kind incurred or to be incurred, either directly or indirectly, in carrying out said improvements. Before entering upon the discharge of their duties, the commissioners shall each take and subscribe an oath to perform the duties of such commission to the best of their ability, and shall each file with the clerk of said trustees a bond to the State of California in the penal sum of one thousand dollars, to faithfully perform the duties of the office of said commissioner, which bond must be approved by said board of trustees. The board of trustees may at any time remove any or all of said commissioners for cause upon reasonable notice and hearing, and may fill any vacancies occurring among them from any cause. Said commissioners shall receive for their services such compensation as the trustees may determine from time to time, *provided* that such compensation shall not exceed ten dollars per day for such civil engineer, nor five dollars per day for the other commissioners, nor continue for more than three months unless the board of trustees shall extend the time. The compensation of the commissioners shall be considered as an expense of the improvements, and shall be chargeable and payable as other expenses thereof.

Commissioners, appointment and duties of.

Compensation.

SEC. 11. Said commissioners shall proceed to view the land embraced within the boundaries of said storm water district and the improvements to be made, and may examine witnesses under oath, to be administered by any one of them. Having viewed the land to be taken and the improvements to be made, and considered the testimony presented, they shall proceed with all diligence to determine the value of the land to be taken for rights of way or construction of improvements, and the damage to property affected thereby, and also to estimate the cost of constructing the proposed improvements and the expenses incident thereto, and having determined the same, shall proceed to assess the said value of land taken, damage to property affected and cost and expenses of the proposed improvements to the county or counties and upon the lands embraced within the exterior boundaries of said storm water district. Said assessment shall be made in the following manner. The board of supervisors of each county in which any part of the district is situated, may, if they consider that the proposed improvements will be of benefit to the county roads, by order entered upon their minutes, provide that such county shall pay a portion of the total cost of the improvements, such payment to be made out of the road fund of the district where the improvements are to be made, or out of the general road fund, as the board of supervisors may determine. The total amount to be paid by all counties contributing shall not exceed

Assessments of costs.

Manner of assessment.

one half of the total cost of the improvements. The commissioners shall assess to the county or counties aforesaid such part of the total cost of the improvement as the board of supervisors thereof have agreed to pay as aforesaid, and the remainder of such assessment shall be made upon the lands in said district in proportion to the benefits to be derived by such lands from said improvements, including in said assessment the property of any railroad company within said district, if such there be.

Report to trustees.

SEC. 12. Said commissioners, after making their assessment of benefits and damages, shall with all diligence make a written report thereof to the board of trustees of the district and shall accompany their report with a plat of the district, showing the land taken or to be taken for rights of way or the construction of the improvements, or to be damaged thereby, and the land assessed, showing the relative location of each lot or parcel of land and its dimensions and area, so far as the commissioners can reasonably ascertain the same. Each lot or parcel of land to be taken, damaged or assessed shall be designated in said plat by an appropriate number, and a reference to it by such number in the report shall be a sufficient description of it in all respects. Said report of the commissioners shall specify each lot or parcel of land taken or to be taken for rights of way or the construction of such improvements, or to be damaged thereby, with the names of the owners thereof or persons interested therein, and the particulars of their interest, so far as the same can be ascertained; the names of the land owners who consent to give the right of way, or to waive damages to their land not taken, and their written consent thereto; the names of land owners who do not consent and the amount of damage claimed by each; and the amount awarded to each land owner by the commissioners for the value of land to be taken or damages to land not taken. Said report shall also specify each lot, or parcel of land to be assessed, together with the names of the owners or claimants thereof or persons interested therein, so far as the same are known to the commissioners, and the particulars of their interest, so far as the same can be ascertained, and the amount assessed against each such piece or parcel of land.

Rights of way.

Conflicting claims.

SEC. 13. If in any case the commissioners find that conflicting claims of title exist, or they are in doubt as to the ownership of any lot or parcel of land or of any improvement thereon, or of any interest in such land or improvement, it shall be set down as belonging to unknown owners. Errors in the designation of the owner or owners of, or persons interested in, any land or improvements or of the particulars of their interest, shall not affect the validity of the assessment or of any condemnation of the property to be taken.

Hearing of report.

SEC. 14. The report of such commissioners and the plat accompanying it shall be filed with the trustees of the district, and said board of trustees shall thereupon fix a time for the hearing thereof, which shall not be less than four weeks after the filing thereof, and thereupon the clerk of said board of

trustees shall give notice of such hearing by publication for at least two weeks in a newspaper of general circulation published and circulated in said district, if such there be, or if there is no such newspaper, then in some newspaper of general circulation published in one of the counties in which said district is situated, said newspaper to be designated by the board. Such notice shall be substantially in the following form:

Notice of the filing of the commissioner's report of..... storm water district of the county of..... Form of notice of hearing.

Notice is hereby given that the commissioners of the..... storm water district of the county of....., did on the..... day of....., 19... file their report of the assessment of benefits and award of damages with the board of trustees of said district, which said report is now on file in the office of said trustees, at..... and that said report will be heard by said trustees at their office on the..... day of....., 190..., at the hour of..... M. Said report and the map, plans and specifications of the improvements mentioned therein are hereby referred to for further particulars. All persons interested are hereby required to show cause, if any they have, at the time fixed for said hearing, why such report should not be adopted and confirmed by said board of trustees, and the improvements therein referred to constructed by said district. All objections shall be in writing, signed by the person objecting, and filed with the board of trustees at or before the time above mentioned.

(Signed)
Clerk of the board of trustees of.....
storm water district, of.....county.

SEC. 15. Any person interested may file with the said board of trustees, at or before the time fixed for the hearing, a written objection to said report or any part thereof, or to the map, plans, or specifications for the proposed improvements, or to the making of such proposed improvements. At the time fixed for such hearing or at any other time to which the hearing may be adjourned, the board of trustees shall hear all objections so filed, if any, and pass upon the same, and shall proceed to pass upon such report, and may confirm, correct or modify the same, or may take such action in regard to the map, plans, and specifications as is authorized by section 9 of this act, or may order the commissioners to make a new assessment, report and plat, which shall be filed, heard, and acted upon in the same manner and on like notice, as in the case of an original report. The action of the board upon the report and objections thereto, and upon the map, plans and specifications, shall be final and conclusive as to all matters which they might have remedied or avoided; and no assessment shall be set aside, except upon such hearing, for any error, defect, or informality therein or in the proceedings prior thereto, where the district has been legally formed and notice of the hearing of the report has been given as herein prescribed. When such report has

Objections to report, hearing of.

been adopted and confirmed, said board may by order entered upon its minutes discharge said commissioners, and their authority shall thereupon cease.

Installment assessments.

Sec. 16. After said report has been adopted, the board of trustees, if they consider the total sum to be raised for the payment of the cost of such improvements too great to be properly expended in one year, or too great to be raised in one year by assessment against the property in such storm water district, may by order entered upon their minutes, provide that the total sum assessed shall be raised in any number of equal annual installments, not exceeding ten. When the board has adopted the report and determined the number of equal annual installments in which such assessment shall be raised, they shall cause their clerk to forward to the tax collector of the county in which such district is situated, who shall file the same in his office, a certified copy of the report, assessment and plat as adopted and confirmed by said board of trustees, together with a certified copy of the order of said board, fixing the number of equal annual installments in which such assessment is to be raised, which documents shall constitute the assessment roll. From and after the filing of such certified copy of the report and order of the board in the tax collector's office, the first year's installment of the amount assessed thereon against each parcel of land shall become due and payable immediately, and the total amount assessed against each parcel of land shall constitute a lien thereon; and hereafter installments of the assessment for the succeeding years shall become due and payable on the first Monday of October of each year; *provided*, that any or all subsequent installments of the assessment on any parcel of land may, at the option of any person desiring to pay the same, be paid at any time after the first installment becomes due and payable. If the district is situated in two or more counties, a certified copy of said report, assessment, plat and order of the board of trustees shall be filed with the tax collector of each county in which any part of said district is situated, and thereafter each tax collector shall proceed as to the property in said district within his own county in the manner hereinafter directed, and the assessment on the property in said county shall be collected in the manner hereinafter directed.

Duty of tax collector.

Payment of assessments.

Publication by tax collector.

Sec. 17. Within one month after the filing of such certified copy of said report, assessment, plat and order with the tax collector, said tax collector shall give notice by ten days' publication in a newspaper of general circulation published in said district, or if there is none, in a newspaper of general circulation published in his county, that the assessment roll of..... storm water district of..... county, has been filed in his office, with the date of said filing; that the amounts entered thereon are due and payable; that if not paid on or before the first Monday in January next ensuing, the same will become delinquent and will be collected in the same manner as delinquent taxes. If the first Monday

in January next ensuing is less than three months from the date of filing the assessment roll with the tax collector, the date, to be stated in the notice, shall be three months after the filing of such assessment roll. The tax collector shall note on said assessment roll all assessments paid, with the dates of payment, giving receipts as in the case of payments of taxes, and shall pay all money collected into the county treasury at the same time and in the same manner as money collected for taxes is paid into such treasury. All collections of subsequent installments of the assessment shall be made in the same manner as above set forth, and the tax collector shall annually (after the first year), immediately after the first Monday of October give notice as above directed that the (giving the number) annual installment of the assessments of said district is now due and payable, and that if not paid on or before the first Monday of January next ensuing, the same will become delinquent and will be collected in the same manner as delinquent taxes; and the same proceedings shall be had thereon as upon the collection of the first assessment. If said district is situated in two or more different counties, all moneys collected on account of such assessment shall be paid into the treasury of the county in which said district was organized.

Annual notice.

SEC. 18. When any installment of said assessment has become delinquent, as stated in said notice of the tax collector, the tax collector shall proceed to collect such delinquent installments of assessments, with five per cent added thereon, and pay the same, including the said five per cent so collected, over to the county treasurer as aforesaid, in the same manner as state and county taxes are collected and paid over; and all of the provisions of chapter 7, title IX, part 3, and of section 3897 of the Political Code not in conflict with any of the provisions of this act, are hereby made applicable to the collection of assessments and delinquent installments of assessments in such storm water district. Before any installment of said assessment becomes delinquent, the board of supervisors of each county against which any part of the cost of the improvement has been assessed, as hereinbefore provided, shall direct the county treasurer to transfer the amount of such installment of such assessment from any money then in the fund of such county from which the same is to be paid, to the special fund to be raised by such assessments; or if such district is in two or more counties, and was organized in some other county, to pay such amount to the treasurer of such other county, who shall place the same in the special fund raised by said assessment.

Delinquent installments, penalty added.

Duty of county treasurer.

SEC. 19. All moneys paid upon such assessments either by property owners or by the county or counties affected, shall be placed in the county treasury of the county in which such storm water district was organized, to the credit of a special fund to be known as the storm water district improvement fund; and shall be used only to pay the expense and cost of constructing the improvements described in the

Disposition of fund.

map, plans and specifications adopted by the board of trustees. Any surplus remaining after the construction thereof shall be paid into the current expense fund. All payments from said fund shall be made upon claims prepared in the manner required by law for the preparation of claims against a county, and first presented to the board of trustees of said district and by them approved, and thereafter presented and filed as claims against the county and approved by the board of supervisors of said county, and upon a warrant drawn by the auditor of said county upon the order of said board of supervisors, in the same manner as other claims upon the county treasury.

Payments
from fund.

Payments
for prop-
erty taken.

Notice of
payment.

SEC. 20. When sufficient money is in such storm water district improvement fund to pay for the property to be taken and damaged according to the award made in the report of the commissioners, the clerk of said board of trustees shall notify the owner, possessor or occupant of any land or improvement thereon to whom an award shall have been made for property to be taken or damaged, that such award has been made, stating the amount thereof and the property affected thereby, and that upon such person filing a claim and tendering a conveyance of the property to be taken or a release of the damages to property not taken, such claim will be allowed and the amount awarded paid to him. Such notice shall be given by depositing such notice in the post office at the county seat of such county, postage prepaid addressed to such owner, possessor or occupant, if his name be known, at his last known post office address. If the name of the owner of such property is not given in the report of the commissioners, or his post office address can not be ascertained, said notice shall be given by said clerk by posting a copy thereof in a conspicuous place upon the property described in said notice. He shall thereupon endorse a certificate of such posting upon the original notice and file the same in his office.

Awards
not
accepted,
proceed-
ings when.

SEC. 21. If any award of damages for land or right of way to be taken or damaged is not accepted within fifteen days after the mailing or posting of this notice, it shall be deemed rejected by the property owner, and thereupon the board of trustees of the district may cause proceedings to secure the land or right of way desired to be instituted in the name of the district, by some attorney to be employed by them for that purpose, against all non-accepting property owners; and when thereunder the right of way or land is secured, the improvement must be commenced as hereinafter provided. In such suit no informality in the proceedings of the board of supervisors or of the commissioners or of the board of trustees shall vitiate such suit; but the order of the board of trustees directing the suit to be brought shall be conclusive proof of the regularity of such prior proceedings; and the suit shall be determined by the court or jury in accordance with the rights of the respective parties as shown in court, independent of said proceedings

before said board of supervisors or before said commissioners or before said trustees.

SEC. 22. If any right of way attempted to be acquired by virtue of this act shall be found to be defective from any cause, the board of trustees may again institute proceedings to acquire the right of way as in this act provided, or otherwise, or may purchase the same, and include the cost thereof in the expenses of such improvement.

Defective rights of way.

SEC. 23. As soon as there is sufficient money in the improvement fund to pay for the construction of the improvements, or any separate part thereof, and the necessary land and rights of way therefor have been secured, the trustees must proceed with the construction of said improvement. The board of trustees shall determine the amount of work to be done in each year and the place where such work is to be done, and may let a contract for any portion of such improvement that they may deem proper, and none of such work shall be done without their order. The work shall be done under the direction and to the satisfaction of the board of trustees.

Improvements to begin, when.

SEC. 24. The improvements made under this act may include the widening, deepening and straightening of the channels of innavigable streams, water courses or washes, the construction of new channels therefor, and the construction of levees, banks, dikes, conduits, ditches and canals for the conveyance of storm water, and the waters of such streams, water courses or washes, or for confining such streams, water courses or washes to their channels; and said work may be done either within or without the boundaries of the district, as may be necessary in order to properly protect the land in said district from damage and secure a free outlet for such streams, water courses, washes, and storm water.

Improvements to include what.

SEC. 25. The board of trustees of each storm water district shall annually during the month of August estimate the amount of money which will be needed for the current year for maintaining and repairing the works and improvements of said district, and defraying the other ordinary expenses of said district, and shall upon the first Monday of September of each year certify to the board of supervisors of the county or counties in which said district lies, the amount of money which is needed for said purposes. Such board or boards of supervisors shall at the time of making the levy of taxes for county purposes for that year, levy a tax upon the property in their county in said district sufficient in amount to raise the sum estimated by the board of trustees to be necessary. When the district is in two or more counties, the amount to be raised upon the part of the district in each county shall be in proportion to the assessed valuation of the several portions of the district in the respective counties. Said tax when levied shall be entered upon the assessment roll and collected in the same manner as state and county taxes. When the same is collected, it shall be placed in the treasury of the county in

Estimate for tax levy.

which said district was organized, to the credit of the current expense fund of said district, and shall be used only for the purpose for which it was raised. Payments shall be made from said fund in the same manner as from the improvement fund of the district.

Additional
improvements.

SEC. 26. Whenever the board of trustees of any storm water district shall deem it necessary to construct new or additional improvements other than those which have been constructed under the first proceedings had for that purpose, they may cause plans, specifications, and a map of said improvements to be prepared and may thereupon proceed in the same manner as in the case of the construction of the first improvements of said district, by the appointment of commissioners and the levy of an assessment to pay the cost thereof.

Disincorporation,
proceedings for.

SEC. 27. Any storm water district may be disincorporated at any time before the adoption of the first commissioner's report by proceedings had in the following manner: Whenever a petition praying for such disincorporation shall be presented to the trustees of said district signed by a majority of the electors therein, they shall call an election in the same manner as elections for members of the board of trustees are called, and submit to the electors of said district the question of disincorporation. Said election shall be held in all respects in the same manner as regular elections of trustees of the district. If it appears that two thirds of the electors voting at said election have voted in favor of disincorporation, the trustees shall cause such fact to be entered upon their minutes, and shall forward a copy of such entry to the board of supervisors by whom the district was organized, who shall file the same with their clerk, and from the date of such filing, said district shall be deemed disincorporated.

Property
may be
added to or
excluded.

SEC. 28. Property may be added to or excluded from any storm water district by action of the board of supervisors by whom said district was organized, upon a petition presented to them signed by a majority of the owners of land within said territory to be annexed or excluded, as shown by the last previous assessment roll. Before making the order of annexation or exclusion, the board of supervisors shall give notice in like manner as upon the original formation of the district, and protests may be presented and shall be considered at the same time and in the same manner as in the case of the formation of the district. Upon the final hearing of said petition, the board of supervisors shall make such order as shall seem best to them: *provided, however* that property in any territory so excluded shall not be released from the lien of any assessment which has been made upon said property.

Intent of
act.

SEC. 29. This act is not intended to supersede or repeal any other act for the construction and maintenance of ditches, levees, dikes, or works for protection, drainage or reclamation, but is intended as an independent and alternative method of constructing the improvements herein provided for.

SEC. 30. The provisions of this act shall be liberally construed to promote the objects thereof. This act may be designated and referred to as the "Storm water district act of 1909," and shall take effect and be in force upon its passage and approval.

Construction of act.

CHAPTER 223.

An act to provide for the continuation of the construction of the highway known as Kings river highway, to declare it a state highway, and to make an appropriation therefor.

[Approved March 13, 1909.]

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

SECTION 1. The highway now completely located and surveyed and partially completed by the State of California from the General Grant National Park to the floor of the Kings river canyon is hereby made a state highway, and said road is placed under the control and management of the state department of engineering. Said department shall proceed with the work of construction as rapidly as possible consistent with good road results, and shall do all things necessary to facilitate the completion of the work.

Kings river highway.

SEC. 2. There is hereby appropriated out of the state treasury not otherwise appropriated the sum of twenty-five thousand dollars to continue and complete the construction of the said Kings river highway, and the same is made available as follows: On May 1, 1909, five thousand dollars, on July 1, 1909, ten thousand dollars, and on January 1, 1910, ten thousand dollars.

Appropriation.

SEC. 3. The state controller is hereby authorized to draw his warrants at such times and in such sums as the state department of engineering shall present claims for and the state treasurer is authorized to pay the same.

SEC. 4. This act shall be in effect from and after its passage and approval.

CHAPTER 224.

An act to make an appropriation for the location, survey and construction of a state highway from Emigrant Gap, Placer county, in an easterly direction through what is known as the Truckee Pass, to the west end of Donner Lake in Nevada county.

[Approved March 13, 1900.]

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

Appropriation.
Donner Lake highway.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of fifteen thousand dollars (\$15,000.00) for the location, survey and construction of a state highway from Emigrant Gap, Placer county, in an easterly direction through what is known as the Truckee Pass to the west end of Donner Lake in Nevada county. Ten thousand dollars (\$10,000 00) shall be available on the first day of July, 1909, and five thousand dollars (\$5,000.00) on the first day of July, 1910.

Control of construction.

SEC. 2. The work of locating, surveying and constructing said highway is placed under the management and control of the department of engineering, and it shall be the duty of said department to locate, survey and construct said road along the line of the wagon road known as the Dutch Flat and Donner Lake wagon road with such variations as will, in the opinion of said department, be deemed advisable.

SEC. 3. The state controller is hereby directed to draw his warrants in such sums and at such times as the state engineer may present claims therefor, and the state treasurer is directed to pay the same.

CHAPTER 225.

An act validating bonds heretofore voted and issued by joint union high school districts.

[Approved March 13, 1900.]

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

High school bonds.

SECTION 1. Any and all bonds heretofore voted and issued by joint union high school districts which embrace joint school districts, are hereby declared to be valid and binding upon such districts.

SEC. 2. This act shall take effect immediately.

CHAPTER 226.

An act to amend section 4 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907, relating to the adulteration of food.

[Approved March 13, 1909.]

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

SECTION 1. Section 4 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs, and making an appropriation therefor." approved March 11, 1907, is hereby amended to read as follows:

SEC. 4. Food shall be deemed adulterated within the meaning of this act, in any of the following cases:

Food, what constitutes adulteration of.

First: If any substance has been mixed or packed, or mixed and packed with the food so as to reduce or lower or injuriously affect its quality, purity, strength, or food value.

Second: If any substance has been substituted wholly or in part for the article of food.

Third: If any essential or any valuable constituent or ingredient of the article of food has been wholly or in part abstracted.

Fourth: If it be mixed, colored, powdered, coated or stained in any manner whereby damage or inferiority is concealed.

Fifth: If it contain any added poisonous or other added deleterious ingredient.

Sixth: If it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal or vegetable unfit for food whether manufactured or not, or if it is the product of a diseased animal or one that has died otherwise than by slaughter; *provided* that an article of liquor shall not be deemed adulterated, mislabeled or misbranded if it be blended or mixed with like substances so as not to injuriously reduce or injuriously lower or injuriously affect its quality, purity or strength.

Seventh: In the case of confectionery: if it contains terra alba, barytes, tale, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

Eighth: In the case of vinegar: if it be artificially colored.

Ninth: If it does not conform to the standard of purity therefor as proclaimed by the secretary of the United States department of agriculture.

CHAPTER 227.

An act to add a new section to the Political Code of the State of California, to be number four thousand two hundred and forty-three a, relating to the compensation of jurors in counties of the fourteenth class.

[Approved March 13, 1909.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered four thousand two hundred and forty-three a, and to read as follows:

Jurors,
compensa-
tion of,
Mendocino
county.

4243a. In counties of the fourteenth class, grand jurors and trial jurors in all the courts, including justices' courts, recorders' courts and coroners' inquests, shall receive for each days attendance per day, the sum of two dollars and for each mile actually and necessarily traveled from their residence to the place of service, in going only, the sum of twenty cents per mile, such milcage to be allowed but once during any one session of such court, grand jury or inquest; *provided*, that the fees of trial jurors in civil cases shall be paid by the litigants as other costs are paid and jurors in criminal cases in recorders' courts shall be paid by the municipality in which such court is or may be established.

SEC. 2. This act shall take effect immediately.

CHAPTER 228.

An act to amend section 2712 of the Political Code of California, relating to the powers of the board of supervisors.

[Approved March 13, 1909.]

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

SECTION 1. Section twenty-seven hundred twelve of the Political Code of California is hereby amended to read as follows:

2712. Whenever it appears to the board of supervisors that any road district is or would be unreasonably burdened by the expense of constructing, or by the maintenance and repairs of any bridge or tunnel connecting or forming a part of a road, or the purchase of toll roads, they may, in their discretion, cause a portion of the aggregate cost or expense to be paid out of the general road fund of the county, or by vote of the majority of the board of supervisors, said board may, in their discretion, order a portion of the cost of construction and repairs of bridges and tunnels connecting or forming a part of a road, or a portion of the cost of the purchase of toll roads, to be paid out of the county general fund as well as the general road fund.

General fund, when road repairs may be paid from.

CHAPTER 229.

An act to amend section eight hundred forty-eight of the Code of Civil Procedure of California, relating to service of summons in justices' court.

[Approved March 13, 1909.]

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

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

848. The summons can not be served out of the county wherein the action is brought, except in the following cases:

1. When the action is upon the joint contract or obligation of two or more persons, one of whom resides within the county;
2. When the action is brought against a party who has contracted in writing to perform an obligation at a particular place, and resides in a different county, in which case the summons may be served in the county where he resides;

Summons, service out of county.

3. When the action is for injury to person or property, and the defendant resides in a different county, in which case summons may be served in the county wherein he may be found;

4. In all cases where the defendant was a resident of the county when the action was brought, or when the obligation was incurred, and thereafter departed therefrom, in which event he may be served wherever he may be found;

5. In actions of forcible entry and detainer, or to enforce and foreclose liens on, or to recover possession of, personal property situate within the county.

CHAPTER 230.

An act to validate all bonds heretofore issued, or ordered to be issued by or on behalf of any school district, high school district, union high school district, or joint union high school district, where authority for such issuance has already been given by a vote of more than two thirds of the electors of such district.

[Approved March 13, 1909.]

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

School
district
bonds,
validation
of.

SECTION 1. In all cases where the board of supervisors of any county of this state, purporting to act under and by virtue of the provisions of the Political Code applicable thereto, has ordered the issuance of bonds of any school district, high school district, union high school district, or joint union high school district, after a special election of the qualified electors of such district has been held to determine whether such indebtedness shall be incurred, at which election not less than two thirds of all the qualified electors voting at such election have voted in favor of incurring such indebtedness, all the proceedings of the trustees or board of education of such district, and of the board of supervisors, preceding and including the issuance and the proposed issuance of such bonds are hereby validated, ratified and confirmed; and all such bonds sold or to be sold for not less than par and accrued interest are hereby declared to be legal and valid obligations of such district in accordance with their terms.

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

CHAPTER 231.

An act to amend section 1550 of the Political Code of the State of California relating to salaries of deputy superintendents of schools.

[Approved March 13, 1909.]

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

SECTION 1. Section 1550 of the Political Code of the State of California is hereby amended to read as follows:

1550. Each deputy school superintendent of any city, or city and county, or counties of the first class, may receive such compensation as the board of education thereof prescribes, payable in the same manner and out of the same fund as the superintendent of schools thereof is paid; *provided*, that the compensation of each deputy school superintendent of any county of the first class, shall be not less than the minimum received by any high school principal in said county of the first class.

Salary of deputy school superintendent, San Francisco.

SEC. 2. This act shall take effect immediately.

CHAPTER 232.

An act to amend an act entitled "An act to establish a Penal Code," approved February 14, 1872, by amending section 1203 thereof relating to the probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation.

[Approved March 13, 1909.]

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

SECTION 1. Section twelve hundred and three of the Penal Code is hereby amended to read as follows:

1203. After plea or verdict of guilty, where discretion is conferred upon the court as to the extent of the punishment, the court, upon oral suggestions of either party that there are circumstances which may properly be taken into view, either in aggravation or mitigation of the punishment, may, in its discretion, hear the same summarily at a specified time and upon such notice to the adverse party as it may direct. At such specified time, if it shall appear by the record furnished

Summary hearing.

by the probation officer, or otherwise, and from the circumstances, of any person over the age of sixteen years so having plead guilty or having been convicted of the crime, that there are circumstances in mitigation of the punishment, or that the ends of justice will be subserved thereby, the court shall have power, in its discretion, to place the defendant upon probation in the manner following:

Suspension of sentence.

1. The court, judge or justice thereof, may suspend the imposing of sentence and may direct that such suspension may continue for such period of time, not exceeding the maximum possible term of such sentence, and upon such terms and conditions as it shall determine, and shall place such person on probation, under the charge and supervision of the probation officer of said court during such suspension.

When judgment is to pay a fine.

2. If the judgment is to pay a fine, and that the defendant be imprisoned until it be paid, the court, judge, or justice, upon imposing sentence, may direct that the execution of the sentence of imprisonment be suspended for such period of time, not exceeding the maximum possible term of such sentence, and on such terms as it shall determine, and shall place the defendant on probation, under the charge and supervision of the probation officer during such suspension, to the end that he may be given the opportunity to pay the fine; *provided, however,* that upon the payment of the fine being made, judgment shall be satisfied and the probation cease.

Probation officer may rearrest.

3. At any time during the probationary term of the person released on probation, in accordance with the provisions of this section, any probation officer may, without warrant, or other process, at any time until the final disposition of the case, rearrest any person so placed in his care and bring him before the court, or the court may, in his discretion, issue a warrant for the rearrest of any such person and may thereupon revoke and terminate such probation, if the interest of justice so requires, and if the court, in its judgment, shall have reason to believe from the report of the probation officer, or otherwise that the person so placed upon probation is violating the conditions of his probation, or engaging in criminal practices, or has become abandoned to improper associates, or a vicious life. Upon such revocation and termination, the court may, if the sentence has been suspended, pronounce judgment at any time after the said suspension of the sentence within the longest period for which the defendant might have been sentenced, but if the judgment has been pronounced and the execution thereof has been suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect, and the person shall be delivered over to the proper officer to serve his sentence.

Revocation of suspension.

Court may modify order.

4. The court shall have power at any time during the term of probation to revoke or modify its order of suspension of imposition or execution of sentence. It may, at any time, when the ends of justice will be subserved thereby, and when the good conduct and reform of the person so held on probation

shall warrant it, terminate the period of probation and discharge the person so held, and in all cases, if the court has not seen fit to revoke the order of probation and impose sentence or pronounce judgment, the defendant shall, at the end of the term of probation, be by the court discharged.

5. Every defendant who has fulfilled the conditions of his probation for the entire period thereof, or who shall have been discharged from probation prior to the termination of the period thereof, shall at any time prior to the expiration of the maximum period of punishment for the offense of which he has been convicted, dating from said discharge from probation or said termination of said period of probation, be permitted by the court to withdraw his plea of guilty and enter a plea of not guilty; or, if he has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty and the court shall thereupon dismiss the accusation or information against such defendant who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted.

Change
of plea.

SEC. 2. This act shall take effect immediately.

CHAPTER 233.

An act to amend section 3671 of the Political Code relating to taxes.

[Approved March 13, 1909.]

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

SECTION 1. Section 3671 of the Political Code is hereby amended so as to read as follows:

3671. The assessment made by the county assessor, and that of the state board of equalization, as apportioned by the boards of supervisors to each city, town, township, school, road, or other district in their respective counties, or cities and counties, shall be the only basis of taxation for the county, or any subdivision thereof, except in incorporated cities and towns, and may also be taken as such basis in incorporated cities and towns when the proper authorities may so elect. All taxes on railroad property imposed upon townships, road, school or other local districts, unless otherwise provided by law, shall be collected by the county tax collector in the same manner and at the same time as county taxes.

Basis for
county
taxes.

CHAPTER 234.

An act to amend section six hundred sixty-six of the Penal Code of the State of California, relating to punishment for second offenses.

[Approved March 13, 1900.]

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

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

Petit larceny, second offenses, punishment for.

666. Every person who, having been convicted of petit larceny and having served a term therefor in any penal institution, commits any crime after such conviction, is punishable therefor as follows:

1. If the offense of which such person is subsequently convicted is such that, upon a first conviction, an offender would be punishable by imprisonment in the state prison for any term exceeding five years, such person is punishable by imprisonment in the state prison not less than ten years.

2. If the subsequent offense is such that upon a first conviction, the offender would be punishable by imprisonment in the state prison for five years, or any less term, then the person convicted of such subsequent offense is punishable by imprisonment in the state prison not exceeding ten years.

3. If the subsequent conviction is for petit larceny then the person convicted of such subsequent offense is punishable by imprisonment in the state prison not exceeding five years.

CHAPTER 235.

An act to amend sections three thousand six hundred ninety-two, three thousand eight hundred thirty-nine, three thousand eight hundred forty-three, three thousand eight hundred forty-five, and three thousand eight hundred fifty-four, of the Political Code, relating to the assessment, equalization and collection of taxes of the state and counties.

[Approved March 13, 1900.]

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

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

General powers of state board of equalization.

3692. The powers and duties of the state board of equalization are as follows:

1. To prescribe rules for its own government and for the transaction of its business.

2. To prescribe rules and regulations, not in conflict with the constitution and laws of the state, to govern supervisors when equalizing, and assessors when assessing.

3. To make out, prepare, and enforce the use of all forms in relation to the assessment of property, collection of taxes, and revenue of this state.

4. To hold regular meetings at the state capital on the second Monday in each month, and such special meetings at any place within the state as the chairman may direct. At such special meetings the board may transact any and all business and perform all duties imposed upon it by law and give and enter any and all orders and decrees within its jurisdiction; *provided*, that the final action of the board in increasing or lowering of a county assessment roll, or the final act in making the assessment of a railroad, shall be performed only at the state capital.

5. To annually assess the franchise, roadway, roadbed, rails, and rolling stock of all railroads operated in more than one county in the state, at their actual value, on the first Monday in March, at twelve o'clock m., and to apportion such assessment to the counties, and cities and counties in which such railroads are located, in proportion to the number of miles of railway laid in such counties, and cities and counties, in the manner provided for in section three thousand six hundred and sixty-four of said code.

6. To equalize the assessment of each mortgage, deed of trust, contract or other obligation by which a debt is secured, and which affects property situate in two or more counties, and to apportion the assessment thereof to each of such counties.

7. To transmit to the assessor of each county, or city and county, its apportionment of the assessments made by said board upon the franchises, roadways, roadbeds, rails, and rolling stock of railroads, and also its apportionment of the assessments made by such board upon mortgages, deeds of trust, contracts, and other obligations by which debts are secured, in the manner provided for in section three thousand six hundred and sixty-four of said code.

8. To meet at the state capital on the first Monday in August, and remain in session from day to day, Sundays excepted, until the second Monday in September.

9. At such meeting to equalize the valuation of the taxable property of the several counties in this state for the purposes of taxation; and to the end, under such rules of notice to the clerk of the board of supervisors of the county affected thereby, as it may prescribe, to increase or lower the entire assessment roll so as to equalize the assessment of the property contained in said roll and make the assessment conform to the true value in money of the property contained in said roll and make the assessment conform to the true value in money of the property assessed, and to fix the rate of state taxation, and to do the things provided in section three thousand six hundred and ninety-three of said code; *provided*, that no board of equalization shall raise any mortgage, deed of

General powers of state board of equalization.

General powers of state board of equalization.

trust, contract, or other obligation by which a debt is secured, money, or solvent credits, above its face value.

10. Whenever deemed necessary, to visit as a board, or by the individual members thereof, or to send its secretary or duly appointed representative to, the several counties and cities for the purpose of inspecting property and learning the value thereof, and of collecting information to enable the board to equalize assessments and levy the taxes as provided by law.

11. To call before the board, or any member thereof, on such visit, any officers of the county, and to require them to produce any public records in their custody, and to give testimony on such subjects deemed useful to the board in its investigations.

12. To issue subpoenas for the attendance of witnesses or the production of books before the board, or any member thereof; which subpoenas must be signed by a member of the board, and may be served by any person.

13. To appoint a secretary, prescribe and enforce his duties. The secretary shall hold his office during the pleasure of the board.

14. To report to the governor, biennially, a statement showing:

First—The acreage of each county in the state that is assessed.

Second—The amount assessed per acre.

Third—The aggregate value of all town and city lots.

Fourth—The aggregate value of all real estate in the state.

Fifth—The kinds of personal property in each county, and the value of each kind.

Sixth—The aggregate value of all personal property in the state.

Seventh—Any information relative to the assessment of property and the collection of revenue.

Eighth—Such further suggestions as it shall deem proper.

15. To keep a record of all its proceedings.

16. To require any person having knowledge of the business of any railroad company, the assessment of which is to be made by the board, or having the custody of the books, accounts, and papers of such company, to attend before the board, or any member thereof, and bring with him for inspection any books, accounts, or papers, of such company in his possession or under his control, and to testify under oath touching any matter relating to the organization or business of such company.

17. To examine the books, accounts, and papers of all railroad companies required by law to report to the board, and to employ an expert accountant or accountants to assist in the examination of the books, accounts, and papers of any company when in the judgment of said board the exigencies of the case may so require.

18. Any officer, employec, or agent of a railroad company required to report to the board, or any county officer, or witness, duly subpoenaed, who shall refuse or neglect to attend before

the board, or any member thereof, or shall refuse to bring with him and submit for inspection any books, accounts, or papers in his possession, custody, or control, or shall refuse to answer any question put to him by any member of the board, touching the matters under investigation by the board, shall be deemed guilty of contempt, and may be punished by a court of competent jurisdiction, by imprisonment in the county jail, not to exceed five days, or by fine not to exceed five hundred dollars, or by both such fine and imprisonment.

SEC. 2. Section three thousand eight hundred thirty-nine of the Political Code is hereby amended to read as follows:

3839. Every male inhabitant of this State, over twenty-one and under sixty years of age, except paupers, insane persons, and Indians not taxed, must annually pay a poll tax of two dollars; *provided*, the same be paid between the first Monday in March and the first Monday in August; but if not paid prior to the first Monday in August, then it shall be three dollars; *provided further*, that nothing herein shall affect any laws imposing a greater poll tax upon inhabitants ineligible to citizenship.

Persons
liable to
poll tax.

SEC. 3. Section three thousand eight hundred and forty-three of the Political Code is hereby amended to read as follows:

3843. The treasurer must, before the third Monday in February of each year:

First—Number and sign the two-dollar blanks, and before the first Monday in August number and sign the three-dollar blanks.

Second—At the time of signing make an entry of the whole number thereof, and of the first and last number placed thereon, in a book kept for that purpose.

Third—Deliver all such blanks to the auditor, and charge him therewith.

Duty of
treasurer
in relation
to poll tax
receipts.

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

3845. He must, at any time after the third Monday in February, and the first Monday in August, upon demand, deliver to the assessor, in their order, the two- and three-dollar blanks, and charge him therewith.

When
auditor
shall
deliver
receipts.

SEC. 5. Section three thousand eight hundred and fifty-four of the Political Code is hereby amended to read as follows:

3854. On the first Monday in August, the assessor must return to the auditor all two-dollar blank poll tax receipts received by him and not used, and pay to the treasurer the total amount collected and not before paid in, less the amount of his fees, and the auditor must deliver to him the three-dollar receipts; and on the last Monday in December of each year, he must return to the auditor all three-dollar poll tax receipts received by him and not used, and must make final settlement with the auditor and treasurer therefor.

Assessor to
return
unused
poll tax
receipts.

SEC. 6. This act shall take effect immediately.

CHAPTER 236.

An act to add a new section to the Penal Code of the State of California, to be numbered six hundred sixty-seven, relating to punishment for second offenses.

[Approved March 13, 1909.]

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

SECTION 1. A new section is hereby added to the Penal Code of the State of California, to be numbered six hundred sixty-seven and to read as follows:

Second
offenses,
not petit,
punish-
ment for.

667. Every person who, having been convicted of any offense punishable by imprisonment in the state prison, and having served a term therefor in any penal institution, commits any crime after such conviction, is punishable therefor as follows:

1. If the offense of which such person is subsequently convicted is such that, upon a first conviction, an offender would be punishable by imprisonment in the state prison, such person is punishable by imprisonment in the state prison for the maximum period for which he might have been sentenced, if such offense had been his first offense.

2. If the subsequent conviction is for petit larceny, then the person convicted of such subsequent offense is punishable by imprisonment in the state prison not exceeding five years, *provided, however,* that any person who has been, or who shall hereafter be, sentenced to the state prison shall be subject to parole by the state board of prison directors, under the restrictions now provided by law for the parole of first term prisoners, any act to the contrary notwithstanding.

CHAPTER 237.

An act to add a new section to the Penal Code of the State of California, to be numbered one thousand one hundred ninety-two a, relating to the ascertainment of facts relating to the records of persons convicted of offenses punishable by imprisonment in the state prison.

[Approved March 13, 1909.]

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

SECTION 1. A new section is hereby added to the Penal Code of the State of California, to be numbered one thousand one hundred ninety-two a, and to read as follows:

1192a. Before judgment is pronounced upon any person convicted of an offense punishable by imprisonment in the state prison, it shall be the duty of the court, assisted by the district attorney, to ascertain, in a summary manner, and by such evidence as is obtainable, whether such person has learned and practiced any mechanical or other trade, and also such other facts tending to indicate the causes of the criminal character or conduct of such convicted person, or calculated to be of assistance to the court in determining the proper punishment of such person, or to the state board of prison directors in the performance of the duties imposed upon it by law, as the court shall deem proper. Within thirty days after judgment has been pronounced, the judge and the district attorney respectively shall cause to be filed with the clerk of the court a brief statement of their views respecting the person convicted or sentenced and the crime committed. Within twenty days after the filing of such statement, the clerk of the court shall mail a copy thereof, certified by such clerk, with the postage thereon prepaid, addressed to the clerk of the prison to which such convicted person shall have been sentenced. The testimony pursuant to the provisions of this section shall be reported and transcribed by the clerk or official reporter. Within thirty days after judgment has been pronounced by the court, one copy of such transcript shall be filed with the clerk of the court, and another copy thereof shall be sent by mail, with postage prepaid, addressed to the warden of the prison to which such convicted person shall have been sentenced.

Inquiry as to causes of criminal conduct.

Notice to clerk of prison.

CHAPTER 238.

An act to amend part III, chapter III, article I of the Political Code of California by adding a new section to said article I to be numbered three hundred forty-four, relating to fish and game commissions.

[Approved March 15, 1909.]

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

SECTION 1. A new section is hereby added to article I, chapter III of part III of the Political Code of California, to be numbered three hundred and forty-four and to read as follows:

Definition
of term
"fish com-
mission."

344. Wherever the title or term "fish commission," or "fish commissioner," or "fish commissioners" or "board of fish commissioners," or "state board of fish commissioners," appears in this code or in any of the codes of California, or in any of the statutes of California, such title or term shall be deemed to be, and shall be read, "fish and game commission," or "fish and game commissioner," or "fish and game commissioners" or "board of fish and game commissioners," or "state board of fish and game commissioners," as the case may be, and all of the rights, powers and duties now granted to or imposed upon the fish commissioners, shall be imposed upon and accrue to the fish and game commissioners.

CHAPTER 239.

An act to amend section 417 of the Political Code of the State of California, relating to the salary of the secretary of state.

[Approved March 15, 1909.]

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

SECTION 1. Section 417 of the Political Code of the State of California is hereby amended to read as follows:

Salary of
secretary
of state.

417. The annual salary of the secretary of state, to include all services rendered ex officio as member of any board or commission as now required, or which may be by law hereafter devolved upon him, is five thousand dollars.

CHAPTER 240.

An act to amend an act entitled "An act to establish a Penal Code," approved February 14, 1872, by amending sections 339 and 343 thereof relating to pawnbrokers.

[Approved March 15, 1900.]

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

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

339. Every person who carries on the business of a pawnbroker, or who purchases gold bars, gold quartz or gold bullion or mineral containing gold, who fails at the time of the transaction to enter in a register kept by him for that purpose, in the English language, the date, duration, amount, and rate of interest of every loan made by him, or an accurate description of the property pledged, or estimated value of the property purchased, or the name and residence of the pledgor or seller, or to deliver to the pledgor or seller a written copy of such entry, or to keep an account in writing of all sales made by him, is guilty of a misdemeanor.

Pawn-
brokers,
register to
be kept.

SEC. 2. Section three hundred and forty-three of the Penal Code of the State of California is hereby amended to read as follows:

343. Every pawnbroker or person who purchases gold bullion, gold bars or gold quartz or mineral containing gold, who fails, refuses, or neglects to produce for inspection his register, or to exhibit all articles received by him in pledge, or his account of sales, to any officer holding a warrant authorizing him to search for personal property or to any person appointed by the sheriff or head of the police department of any city, county or town, or an order of a committing magistrate directing such officer to inspect such register, or examine such articles or account of sales, is guilty of a misdemeanor.

Inspection
of register
by officer.

SEC. 3. Providing that nothing in this act shall apply to persons or corporations doing a banking business in this state.

CHAPTER 241.

An act making an appropriation of two thousand five hundred dollars for restoring certain records in the office of the clerk of the supreme court in the city of San Francisco.

[Approved March 15, 1900.]

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

Appropriation to restore records, clerk of supreme court.

SECTION 1. There is hereby appropriated for the office of clerk of the supreme court in the city of San Francisco, the sum of two thousand five hundred dollars or so much thereof as may be necessary, to enable the clerk of the supreme court to restore certain records, all being necessary because of the destruction by fire of records.

SEC. 2. Such restoration of records shall be made and done under the supervision of the clerk of the supreme court. Bills for the same shall be presented to the state board of examiners, and when allowed by said board, the state controller shall draw his warrants therefor against this appropriation, and the state treasurer shall pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 242.

An act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

[Approved March 15, 1900.]

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

Prevention of tuberculosis.

SECTION 1. It shall be the duty of the state board of health to publish or procure and to distribute free to the people of the State of California printed matter, charts, pictures or models, or to demonstrate to them in any practical way the prevalence of tuberculosis, the danger of infection therefrom and the means of prevention and cure.

Appropriation.

SEC. 2. The sum of two thousand dollars is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, for the purpose of this act, and the state controller is hereby directed to draw his warrant in favor of the state board of health for sums aggregating that amount, the claims having been audited by the state board of examiners, and the state treasurer is directed to pay the same.

CHAPTER 243.

An act to provide for the wiring of hospital buildings and other buildings in and about the grounds of the Stockton State Hospital, together with the installation of a telephone system in said buildings, consisting of all necessary equipments and fixtures, and making an appropriation therefor.

[Approved March 15, 1909.]

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

SECTION 1. The sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of managers of the Stockton State Hospital, to be by them expended for the wiring of the hospital buildings and other buildings in and about the grounds of the Stockton State Hospital, and the installation of a telephone system in said buildings, consisting of all necessary equipments and fixtures, such as switch boards, etc.

Appropriation to install telephone system.

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

SEC. 3. This act shall take effect and be in force from and after July 1, 1909.

CHAPTER 244.

An act to amend sections 415 and 420 of the Political Code, all relating to the office of the secretary of state.

[Approved March 15, 1909.]

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

SECTION 1. Section 415 of the Political Code, is hereby amended to read as follows:

415. The secretary of state, to assist him in the discharge of the duties of his office, may appoint the following officers: One deputy secretary of state, a bookkeeper, one assistant bookkeeper, one keeper of the archives, six recording clerks, one register clerk, two certificate clerks, one statistician, one janitor, one janitor's clerk, one superintendent and cashier of the corporation license tax department, six clerks for the

Assistants to secretary of state.

corporation license tax department, one superintendent and cashier of the motor vehicle department, one clerk for the motor vehicle department (each and all of whom shall be civil executive officers); also two engineers, one of whom shall serve from January first to May first in each legislative year, two firemen, one of whom shall serve from January first to May first in each legislative year, two electricians, one of whom shall serve from January first to May first in each legislative year, one head porter and five porters for the capitol building; one porter for the office of the secretary of state, one porter for the corporation license tax department, one messenger for the office of the secretary of state, one messenger for the corporation license tax department, one chief watchman and two watchmen, four elevator attendants, two of whom shall serve from January first to May first in each legislative year, four telephone exchange operators, two of whom shall serve for two months in years in which the legislature does not meet and four months in years in which the legislature does meet, and two special clerks in each legislative year, to serve from January first to May first.

SEC. 2. Section 420 of the Political Code, is hereby amended to read as follows:

Salaries of
assistant.

420. The annual salary of the deputy secretary of state is three thousand dollars; of the bookkeeper, twenty-four hundred dollars; of the assistant bookkeeper, two thousand dollars; of the keeper of the archives, two thousand dollars; of one of the recording clerks, eighteen hundred dollars; of each of five of the recording clerks, sixteen hundred dollars; of the register clerk, eighteen hundred dollars; of each of the certificate clerks, sixteen hundred dollars; of the statistician, twenty-four hundred dollars; of the janitor, twenty-four hundred dollars; of the janitor's clerk, sixteen hundred dollars; of the superintendent and cashier of the corporation license tax department, twenty-four hundred dollars; of each of two clerks of the corporation license tax department, eighteen hundred dollars; of each of four clerks in the corporation license tax department, sixteen hundred dollars; of the superintendent and cashier of the motor vehicle department, twenty-four hundred dollars; of the clerk in the motor vehicle department, sixteen hundred dollars; of one engineer, eighteen hundred dollars; of one fireman, twelve hundred and sixty dollars; of one electrician, eighteen hundred dollars; of the head porter of the capitol building, twelve hundred dollars; of each of the five porters for the capitol building, ten hundred and eighty dollars; of the porter for the office of the secretary of state, seven hundred and twenty dollars; of the porter for the corporation license tax department, three hundred and sixty dollars; of the messenger for the office of the secretary of state, nine hundred dollars; of the messenger for the corporation license tax department, six hundred dollars; of the chief watchman, thirteen hundred and twenty dollars; of each of the two watchmen, thirteen hundred and

twenty dollars; of each of two elevator attendants, ten hundred and eighty dollars; of each of two telephone exchange operators, seven hundred and twenty dollars. The monthly salary of the engineer serving from January first to May first in each legislative year, one hundred and fifty dollars; of the fireman serving from January first to May first in each legislative year, one hundred and five dollars; of the electrician serving from January first to May first in each legislative year, one hundred and fifty dollars; of each of the telephone exchange operators serving two months during the years in which the legislature does not meet and four months during the years in which the legislature does meet, sixty dollars; of each of the two elevator attendants serving from January first to May first in each legislative year, ninety dollars; of each of the special clerks serving from January first to May first in each legislative year, one hundred and twenty-five dollars. All such salaries are payable in the same manner and at the same time as other state officers.

Salaries of
assistants.

SEC. 3. All acts and part of acts in conflict with this act are hereby repealed.

SEC. 4. This act shall take effect immediately.

CHAPTER 245.

An act to amend section 2552 of the Political Code relating to salaries of officers of the board of state harbor commissioners.

[Approved March 15, 1909.]

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

SECTION 1. Section 2552 of the Political Code is hereby amended so as to read as follows:

2552. The monthly salaries of the officers of the board shall be as follows: The president, three hundred dollars; each of the other two commissioners, two hundred and fifty dollars; the secretary, two hundred and fifty dollars; the assistant secretary, two hundred dollars; the attorney, two hundred dollars; the chief wharfinger, two hundred and fifty dollars; the wharfingers, one hundred and fifty dollars; and the collectors, one hundred and twenty-five dollars. The board must fix the compensation of the other employees. No ex officio officer nor consulting engineer shall receive any compensation, except traveling and other incidental expenses.

Salaries of
harbor
commis-
sioners
and assist-
ants.

SEC. 2. This act shall take effect and be in force from and after April 1st, 1909.

CHAPTER 246.

An act to amend section three thousand seven hundred of the Political Code relating to salaries of the members of the state board of equalization.

[Approved March 15, 1909.]

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

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

Salaries of
state board
of equal-
ization and
secretary.

3700. The annual salary of each member of the board (except the state controller), is four thousand dollars. The annual salary of the secretary to the board is three thousand dollars. Each of said officers shall devote his entire time to the services of the state in performing the duties and acquiring the information required by this title.

SEC. 2. This act shall take effect immediately.

CHAPTER 247.

An act to amend section 755 of the Political Code, relating to the salary of the clerk of the supreme court.

[Approved March 15, 1909.]

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

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

Salary of
clerk of
supreme
court.

755. The annual salary of the clerk of the supreme court is five thousand dollars.

SEC. 2. This act shall take effect immediately.

CHAPTER 248.

An act to amend section 4233 of the Political Code of the State of California, relating to the salaries, fees and mileage of officers, their deputies and assistants and jurors in counties of the fourth class.

[Approved March 15, 1900.]

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

SECTION 1. Section 4233 of the Political Code of the State of California, is hereby amended to read as follows:

4233. In counties of the fourth class county officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit:

Salaries of
counties of
fourth
class
(Santa
Clara).

1. The county clerk thirty-six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk two deputy county clerks who shall receive a salary of fifteen hundred dollars per annum each, also four deputy clerks who shall receive a salary of twelve hundred dollars per annum each, also one deputy county clerk who shall receive a salary of nine hundred dollars per annum; the deputies herein provided for shall be appointed by the clerk of said county, and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as is the salary of the county clerk; *provided further*, that in such years as the compilation of a great register of voters is required by law to be made the said clerk may appoint two deputies who shall serve for a term of four months and shall each receive a salary not to exceed seventy-five dollars per month, to be paid as are other deputies herein provided for; and also for any such year one additional deputy in each voting precinct in the county, outside of the corporate limits of municipalities containing twenty-five thousand or more inhabitants for the purpose of registering electors in such precincts who shall be paid seven cents per name for each elector legally registered by them; *provided*, that the said county clerk may be allowed the actual and necessary expenses incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

2. The sheriff four thousand dollars per annum; *provided*, that there shall be and hereby is allowed to the sheriff one under sheriff whose salary is hereby fixed at the sum of eighteen hundred dollars per annum, also six deputies who shall receive a salary of twelve hundred dollars per annum each, also one deputy who shall act as matron of the county jail who shall receive a salary of nine hundred (900) dollars per annum. The under sheriff and deputies herein provided for

Salaries of
counties of
fourth
class-
(Santa
Clara).

shall be appointed by the sheriff and paid at the same time and in the same manner and out of the same funds as is the salary of the sheriff; *provided*, that said sheriff shall be allowed the actual necessary expenses incurred in the performance of his official duties. He shall pay into the county treasury all fees and mileage collected by him for the service of papers or process issued by any court of this state.

3. The county recorder, thirty-six hundred dollars per annum, and said recorder may appoint one deputy recorder who shall receive a salary of fifteen hundred dollars per annum, one deputy recorder who shall receive a salary of twelve hundred dollars per annum, also six deputy recorders who shall receive a salary of nine hundred dollars per annum each. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same funds as the county recorder; *provided*, that such recorder may be allowed the actual necessary expenses incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

4. The county auditor, thirty-six hundred dollars per annum, and said auditor may appoint one deputy auditor who shall receive a salary of fifteen hundred dollars per annum; *provided*, that for the purpose of performing the work imposed upon him by law, in connection with the annual assessment and collection of property taxes, said auditor may be allowed five additional deputies for a period of one month who shall each receive a salary of one hundred dollars and two additional deputies for a period of one and one half months, who shall each receive a salary of one hundred dollars per month. The deputies herein provided for shall be paid at the same time and in the same manner as is the county auditor; *provided*, that such auditor shall pay into the county treasury all fees received by him in his official capacity.

5. The county treasurer, thirty-six hundred dollars per annum, and said treasurer may appoint one deputy treasurer who shall receive a salary of fifteen hundred dollars per annum. All fees and commissions collected by him in his official capacity shall be paid into the county treasury; *provided*, that the county treasurer shall be entitled to retain for his own use the fees which are now or which may hereafter be allowed by the state law for the collection and payment to the state treasurer of inheritance taxes, except that he shall not be entitled to retain more than the sum of one hundred dollars out of the inheritance taxes paid on account of any one estate. Whenever the fees received on account of any one estate paying inheritance taxes shall exceed the sum of one hundred dollars such excess shall be by the county treasurer paid into the county treasury as in the case of fees received by him from other sources. The deputy herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the county treasurer.

6. The tax collector, thirty-six hundred dollars per annum,

and said tax collector may appoint one deputy tax collector who shall receive a salary of eighteen hundred dollars per annum, one additional deputy tax collector who shall receive a salary of fifteen hundred dollars per annum, also seven additional deputy tax collectors to serve as such only from the first day of October to the fifteenth day of December of each year and who shall receive a salary of one hundred dollars each per month, also one deputy tax collector who shall serve as such only during the months of April and May of each year and shall receive a salary of one hundred dollars per month, also nine copyists who shall serve only during one month and one half month of each year and shall each receive a salary of seventy-five dollars per month. The deputies and copyists herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the salary of the tax collector; *provided*, that said tax collector shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

Salaries of
counties of
fourth
class
(Santa
Clara).

7. The license collector, fifteen per cent on the whole amount of licenses collected by him; *provided*, that the entire compensation of said license collector shall not exceed the sum of fifteen hundred dollars per annum.

8. The county assessor, thirty-six hundred dollars per annum, and said assessor may appoint one deputy assessor who shall receive a salary of fifteen hundred dollars per annum also seventeen deputy assessors who shall serve as such only during the months of March, April, May and June of each year, who shall each receive a salary of one hundred dollars per month, also eight additional deputy assessors who shall serve as such only during the months of March, April, May, June and July of each year who shall each receive a salary of one hundred dollars per month, also six copyists to serve as such only during four months of each year who shall receive a salary of seventy-five dollars each per month; *provided*, that the above salaries and compensations shall be in full for all services rendered by him as such assessor and that no commission for the collection of state or infirmity poll taxes or personal property taxes shall be retained by him but that all such commissions shall be paid into the county treasury. The deputies and copyists herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the county assessor; *provided*, that the assessor shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties.

9. The district attorney three thousand six hundred dollars per annum; he may appoint a chief deputy at a salary of two thousand two hundred dollars per annum, one assistant district attorney at a salary of eighteen hundred dollars per annum, and one assistant district attorney at a salary of one thousand five hundred dollars per annum; also a deputy district attorney at a salary of one thousand five hundred dollars

per annum, and a clerk at a salary of twelve hundred dollars per annum, all of whom shall be paid in the same manner as said district attorney; *provided* that said district attorney shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties. All fees and commissions collected by him shall be paid into the county treasury.

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

11. The county superintendent of schools three thousand dollars per annum, and the said superintendent of schools may appoint a deputy superintendent of schools who shall receive a salary of twelve hundred dollars per annum and the said superintendent of schools shall also be paid his actual traveling expenses when visiting the schools of the county. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the superintendent of schools.

12. The county surveyor the sum of three thousand dollars per annum. Said surveyor may appoint the chief deputy surveyor who shall receive a salary of fifteen hundred dollars per annum, also one deputy who shall receive a salary of twelve hundred dollars per annum, and one deputy at nine hundred dollars per annum. Such compensation and salaries as above set forth shall be in full for all services as such county surveyor, and all fees and compensation received or collected by him for engineering and surveying other than for the county, shall be paid into the county treasury; *provided*, that said county surveyor shall be allowed all necessary transportation and expenses incurred by himself or deputies for work performed in the field, and in the official discharge of his duties. Such salaries to be paid at the same time and in the same manner as the salaries of other county officers are paid.

Fish and
game
warden.

13. The fish and game warden, twelve hundred dollars per annum and the actual and necessary expenses incurred by him in the performance of his official duties, not to exceed fifty dollars for any one month.

Justices of
the peace,
salaries
and fees.

14. In counties of this class justices of the peace shall be compensated as follows, and all salaries shall be payable monthly in the same manner as the salaries of county officers are paid, *viz*:

In townships having a population of 20,000 or more, justices of the peace shall each receive a salary of one hundred and fifty dollars per month as for all services rendered by them in criminal cases; *provided, however*, that in all such townships having a population of 20,000 or more, there shall be two township justices of the peace in and for any such townships, and such justices shall be allowed a clerk, to be appointed by the justices of the peace at a salary of one hundred dollars per month, payable monthly, in the same manner as salaries of county officers are paid, and shall be furnished with offices and necessary supplies by the board of supervisors. As compensation for all services rendered in civil cases and in

all other matters wherein a justice of the peace may lawfully charge fees for his services, including fees for celebrating marriages and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, performing services connected with posting estrays, performing the duties of coroner, and taking and approving bonds or undertakings including the justification of sureties. justices of the peace may receive and retain for their own use such fees as are now or may hereafter be allowed for such service.

Justices of
the peace.
salaries
and fees.

In townships having a population of 5,000 and less than 20,000 justices of the peace shall receive the sum of one hundred and thirty-seven dollars and fifty cents per month as salaries for all services rendered by them in criminal cases; as compensation for all services rendered in civil cases and in all other matters wherein a justice of the peace may lawfully charge fees for his services, including fees for celebrating marriages and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, performing services connected with posting estrays, performing the duties of coroner and taking and approving bonds or undertakings, including the justification of sureties. justices of the peace may receive and retain for their own use such fees as are now, or may hereafter be allowed for such services.

In townships having a population of 4,400 and less than 5,000 justices of the peace shall each receive as a salary the sum of one hundred and thirty-seven dollars and fifty cents per month as full compensation for all services rendered by them both in criminal cases and civil cases and in all cases wherein the justice of the peace performs the duties of coroner, and also in all other matters wherein a justice of the peace may lawfully charge fees for his services, including fees for celebrating marriages and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, performing services connected with posting estrays, and taking and approving bonds or undertakings, including the justification of sureties; all fees collected by justices of the peace in criminal cases and in civil cases and also all other fees of every kind and character lawfully chargeable and collectible by justices of the peace shall be collected by them and by them paid monthly into the county treasury, the above salary being in full for all services.

In townships having a population of 4,000 and less than 4,400 justices of the peace shall each receive as a salary the sum of one hundred and thirty-five dollars per month as full compensation for all services rendered by them in both criminal cases and civil cases, and in all cases wherein the justice of the peace performs the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury. All other matters wherein a justice of the peace

Justices of
the peace,
salaries
and fees.

may lawfully charge fees for his services, including fees for celebrating marriages and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, performing services connected with posting estrays, and taking and approving bonds or undertakings, including the justification of sureties, a justice of the peace may collect and retain for his own use such fees as are chargeable by law as his compensation.

In townships having a population of 1,500 and less than 4,000 justices of the peace shall each receive as a salary the sum of sixty-five dollars per month as full compensation for all services rendered by them in both criminal cases and civil cases. All fees chargeable and collected by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury. All other matters wherein a justice of the peace may lawfully charge fees for the services he may collect and retain for his own use such fees as are chargeable by law as his compensation.

In townships having a population of 1,000 and less than 1,500 justices of the peace shall each receive as a salary the sum of fifty dollars per month as full compensation for all services rendered by them in both criminal cases and civil cases. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them shall be collected and by them paid monthly into the county treasury. In all other matters wherein a justice of the peace may lawfully charge fees for his services he may collect and retain for his own use such fees as are chargeable by law as his compensation.

In townships having a population of less than 1,000 justices of the peace shall each receive as a salary the sum of thirty dollars per month as full compensation for all services rendered by them in both criminal and civil cases. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected and by them paid monthly into the county treasury. In all other matters wherein a justice of the peace may lawfully charge fees for his services he may collect and retain for his own use such fees as are chargeable by law as his compensation.

Con-
stables,
salaries
and fees.

15. In counties of this class constables shall be compensated as follows, and all salaries herein provided shall be paid as follows, in the same manner as the salaries of county officers are paid, viz:

In townships having a population of 20,000 or more constables shall each receive a salary of one hundred dollars per month for all services rendered by them in criminal cases. As compensation for all services rendered in civil cases and in all other matters wherein they may charge fees for their services, a constable may collect and retain for his own use as his compensation such fees as are now or may hereafter be allowed by law.

In townships having a population of 5,000 and less than

20,000 constables shall each receive the sum of seventy-seven dollars and fifty cents per month as a salary for all services rendered by them in criminal cases. As compensation for all services rendered in civil cases and in all other matters wherein they may charge fees for their services, a constable may collect and retain for his own use as his compensation such fees as are now or may hereafter be allowed by law.

Constables,
salaries
and fees.

In townships having a population of 4,400 and less than 5,000 constables shall each receive the sum of seventy-seven dollars and fifty cents per month as a salary for all services rendered by them in criminal cases, civil cases and in the performance of all other duties imposed upon them by law. All fees chargeable and collectible by them both in criminal cases, civil cases, and in all other cases wherein fees are chargeable by constables, they shall collect in advance and pay monthly into the county treasury.

In townships having a population of 4,000, and less than 4,400 constables shall each receive the sum of seventy-five dollars per month as a salary for all services rendered by them in both criminal and civil cases. All fees collected by them in civil and criminal cases shall be paid by them monthly into the county treasury. For all other services performed by them they may charge and retain for their own use such fees as are chargeable at law.

In townships having a population of 1,500 and less than 4,000 constables shall each receive the sum of sixty dollars per month, as a salary for all services rendered in both civil and criminal cases. All fees collected by them in civil and in criminal cases shall be paid monthly by them into the county treasury. For all other services performed by them they may charge and collect for their own use such fees as are allowed by law.

In townships having a population of less than 1,500, constables shall receive each the sum of forty dollars per month, as a salary for all services rendered by them both in civil and criminal cases. All fees collected by them both in criminal and civil cases shall be paid monthly into the county treasury. For all other services performed by them, they may charge and collect for their own use such fees as are allowed by law.

Constables shall be allowed all necessary expenses incurred in conveying prisoners.

The population herein referred to in classifying the townships for the purpose of regulating the compensation of justices of the peace and constables shall be the population found and determined by the last preceding federal census; *provided*, that if a township census be taken after the taking of the federal census, under the provisions of section four thousand and fifty-five then such census shall be known and shall become the official census of the township in which the same is so taken, and the population therein determined shall be and become the official population of such township; *and provided further*, that any census of the population of a township under the provisions of subdivisions 12½ of section 25 of an act

Determin-
ation of
popula-
tion.

entitled, "An act to establish a uniform system of county and township government," approved April 1st. 1897, taken after the federal census of 1900 and prior to the repeal of said subdivision 12½ of said act, shall be the official census of said township and the population therein determined shall be and shall be deemed the official population of said township for the purpose of classifying said township under the provisions of this article and shall continue to be the official census of said township until the next lawful census thereof.

Super-
visors.

16. Each supervisor one thousand two hundred dollars per annum and mileage of ten cents per mile for each mile actually traveled in going to and from their residence to the county seat or in performance of the duties required of them by law or by virtue of their office; *provided*, that in attending sessions of the board only four mileages shall be allowed for each month and that the total mileage allowed shall not exceed one hundred dollars in any one month; and in counties of this class the members of the board of supervisors shall be ex officio road commissioners and as such road commissioners shall be paid the sum of five hundred dollars per annum each.

Jurors.

17. The fees of grand jurors and trial jurors in the superior courts of said counties of the fourth class, in civil and criminal cases shall be two and one half dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

CHAPTER 249.

An act to amend section 4257 of the Political Code relating to county and township officers of counties of the twenty-eighth class.

[Approved March 15, 1900.]

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

SECTION 1. Section 4257 of the Political Code is hereby amended so as to read as follows:

Salaries in
counties of
twenty-
eighth
class
(Placer).

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

1. The county clerk, three thousand two hundred fifty dollars per annum; and in each year in which a new and complete registration of voters is required by law, he shall receive such additional amount as shall be necessary to pay deputy registration clerks for taking affidavits of registration outside of the office at the rate of ten cents each, the claims for which shall be presented to and allowed by the board of supervisors as other claims are presented and allowed.

Salaries in counties of twenty-eighth class (Placer).

2. The sheriff, six thousand dollars per annum.

3. The recorder, two thousand two hundred fifty dollars per annum, *provided* that such recorder shall collect and pay into the county treasury for the use and benefit of the county the fees required by law to be so collected; *and provided* that when the amount of said fees so collected shall amount to more than two hundred dollars in any one month, the said recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of two hundred dollars in any month so collected; *and provided* that in counties of this class the recorder may appoint two copyists for service in his office, which office of copyist for the county recorder is hereby created, and said copyists shall receive as compensation for their services the sum of five hundred forty dollars each per annum, to be paid out of the county treasury 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 is paid.

4. The auditor, two thousand dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, four thousand two hundred fifty dollars per annum.

8. The district attorney, two thousand four hundred dollars per annum: he may also appoint a clerk, which office of clerk to the district attorney is hereby created, whose salary shall be six hundred dollars per annum, payable as the salaries of other county officers are paid.

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

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

11. The superintendent of schools, eighteen hundred dollars per annum, including services on board of education. He shall be allowed his actual traveling expenses not to exceed three hundred dollars per annum; he shall also be allowed one deputy whose salary shall be fifty dollars per month, payable the same as the salaries of county officers; *provided* that he shall keep his office open from nine o'clock A. M. to five o'clock P. M. of each business day.

12. The surveyor shall receive a per diem of ten dollars for all work performed for the county, and in addition thereto all necessary expenses and transportation on work performed, in the field.

Justices of
the peace.

13. The justices of the peace, such fees as are now or may hereafter be allowed by law; *provided*, that the amount allowed by the board of supervisors for services in prosecutions under section six hundred and forty-seven of the Penal Code, and prosecutions for fraudulently evading or attempting to evade the payment of fare for traveling on any railroad, shall not exceed twenty dollars for any one month; *provided, further*, that the amount allowed by the board of supervisors for services in prosecutions of misdemeanor cases other than those hereinbefore specified in this subdivision, shall not exceed the sum of thirty dollars for any one month.

Con-
stabular.

14. The constable shall receive the following fees, to wit: For serving summons and complaint, for each defendant served, one dollar; for each copy of summons for service when made by him, twenty-five cents; for levying writ of attachment or execution or executing order of arrest or for the delivery of personal property, one dollar; for keeping personal property, such sum as the court may order, but no more than two dollars per day shall be allowed for a keeper when necessarily employed; for taking bond or undertaking, fifty cents; for copies of writs and other papers, except summons, complaints and subpoenas, per folio ten cents; *provided*, that when correct copies are furnished him for use, no charge shall be made for copies; for serving any writ, notice or order, except summons, complaints or subpoenas, for each person served, fifty cents; for writing and posting each notice of sale of property, twenty-five cents; for serving subpoenas, each witness, including copy, twenty-five cents; for collecting money on execution, two and one half per cent. to be charged against the defendant named in the execution; for executing and delivering certificate of sale, one dollar; for executing and delivering constable's deed, two dollars; for every mile necessarily traveled in his township, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty-five cents; outside of his township, but within his county, twenty cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the more distant if they live in the same direction; for each mile necessarily traveled outside of his county in making criminal arrests, both going and returning from place of arrest, ten cents; in transporting prisoners to the county jail, or before a magistrate, either upon arrest or for trial or examination, or after conviction, he shall receive in addition to the above mileage his actual and necessary expenses for himself and prisoners; *provided*, that where two or more prisoners are transported at the same time, no more, than one mileage shall be allowed; for making each arrest in criminal cases, one dollar and fifty cents; for sales of estrays, the same fees as for sales on execution; for summoning a jury, two dollars, including mileage; for all other services, the same fees as are allowed sheriffs for like services; *provided, further*, that no more than sixty dollars

shall be allowed to any constable in counties of this class in any one month for fees and mileage in criminal matters.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to and from the county seat; *provided*, such mileage shall not be allowed more than once a month; and for his services as road commissioner he shall receive twenty cents per mile one way for all distances actually and necessarily traveled by him in the performance of his duties; *provided*, he shall not in any one year receive more than three hundred dollars as such road commissioner. Super-
visors.

16. In counties of this class grand jurors and jurors in the superior court shall receive for each day's attendance the sum of three dollars, and for each mile actually and necessarily traveled from his residence to the county seat, the sum of twenty cents; such mileage to be allowed but once during each session such jurors are required to attend. Jurors.

CHAPTER 250.

An act providing for vacations for certain employees of the state.

[Approved March 15, 1909.]

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

SECTION 1. Each employee regularly employed at the state hospitals and each employee regularly employed in the service of any of the state commissions or state boards or in the state printing office who shall have been employed for a period of not less than six months shall be allowed, during each year of his service, a vacation of not less than fifteen days' duration; said vacation to be without loss of pay, and the time allowed for said vacation to be designated by the management of such state hospitals, and by the members of the state commissions and state boards and by the superintendent of state printing. Vacation
for certain
state
employees.

SEC. 2. This act shall take effect immediately.

CHAPTER 251.

An act to amend section 2293 of the Political Code relative to the powers and duties of the board of trustees of the state library.

[Approved March 15, 1909.]

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

SECTION 1. Section 2293 of the Political Code is hereby amended so as to read as follows:

The powers and duties of the board are as follows:

General
powers
and duties
of board.

1. To make rules and regulations, not inconsistent with law, for its government and for the government of the library;
2. To appoint a librarian, who must designate one of his deputies as chief deputy;
3. Whenever necessary, to authorize the librarian to appoint an additional deputy and other assistants;
4. To sell or exchange duplicate copies of books;
5. To keep in order and repair the books and property in the library;
6. To draw from the state treasury at any time, all moneys therein belonging to the library fund;
7. To prescribe rules and regulations permitting persons other than those named in section twenty-two hundred and ninety-six, to have the use of books from the library;
8. To collect and preserve statistics and other information pertaining to libraries, which shall be available to other public libraries within the state applying for the same;
9. To make to the governor, biennially, a report of its transactions;
10. To establish, in their discretion, deposit stations in various parts of the state, under the control of an officer or employee of the state library; *provided*, that no books shall be kept permanently away from the main library, which may be required for official use.

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

CHAPTER 252.

An act appropriating the sum of one thousand dollars for the purpose of installing a plant for distilling water in connection with the ice making plant at the Veterans' Home of California, located at Yountville, Napa county.

[Approved March 15, 1909.]

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

SECTION 1. The sum of one thousand dollars (\$1000) dollars, or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated for the purpose of installing a plant for distilling water in connection with the ice making plant at the Veterans' Home of California located at Yountville, Napa county.

Appropriation for installing plant for distilling water.

SEC. 2. The controller is hereby authorized to draw his warrant in favor of the board of directors of the Veterans' Home of California for the money hereby appropriated.

SEC. 3. This act shall take effect from and after July 1st 1909.

CHAPTER 253.

An act to amend section 652 of the Civil Code of the State of California, relating to the consolidation of colleges and institutions of higher education.

[Approved March 15, 1909.]

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

SECTION 1. Section 652 of the Civil Code of the State of California is hereby amended so as to read as follows:

652. Whenever any benevolent, religious or fraternal organization or society, having a grand lodge, assembly, conference or other legislative or representative head in the State of California, having two or more colleges or institutions of higher education under its patronage, shall, for the purpose of greater efficiency and simplicity in the administration of its educational interests, desire to consolidate such institutions under one management, such organization or society shall be and is hereby authorized to consolidate such institutions under one management by complying with the following provisions:

Consolidation of colleges, in manner of.

Such grand lodge, assembly, conference or other legislative or representative head having authorized a consolidation of its

institutions, a new corporation shall be formed. The board of trustees of the new corporation shall at first consist of the persons constituting the boards of trustees of the several institutions, respectively thus consolidating, and others; *provided* the number of trustees shall not exceed forty-five. The board of trustees shall be so classified that the term of office of one third of its number shall expire each year; the successors of such trustees, as their terms expire, shall be elected by such grand lodge, assembly, conference or other legislative or representative head, at its annual meeting.

The said board of trustees shall report annually to the grand lodge, conference, assembly or other legislative or representative head controlling it, the condition of affairs of such corporation, and the amount and manner of its receipts and expenditures.

Trustees,
number of.

After the two or more colleges or institutions of higher education under the patronage of any benevolent, religious or fraternal organization or society, having a grand lodge, assembly, conference or other legislative or representative head in the State of California shall have become consolidated as hereinabove directed or specified, the board of trustees of the new corporation, consisting at first of the persons constituting the boards of trustees of the several institutions, respectively thus consolidated, may be reduced in number after said board of trustees shall have transacted the business of said corporation for a period of five years after such consolidation. Said number shall be reduced by the grand lodge, assembly, conference or other legislative or representative head of said colleges or institutions of higher education in the following manner, viz: At any annual session of such grand lodge, assembly, conference or other legislative or representative head, there shall be dropped from the number of trustees to be elected at that session of such grand lodge, assembly, conference or other legislative or representative head such a number of trustees as those present at such session shall determine, *provided however*, that at no time shall the number of trustees composing such board be less than fifteen.

CHAPTER 254.

An act to amend sections two, three, four and six of an act entitled, "An act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the commissioner of the bureau of labor statistics and providing penalties for the violation hereof." (Approved February 20, 1905.

[Approved March 15, 1909.]

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

SECTION 1. Section 2 of an act entitled, "An act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the commissioner of the bureau of labor statistics and providing penalties for the violation hereof," approved February 20, 1905, is hereby amended to read as follows:

Section 2. No minor under the age of sixteen years shall be employed or permitted to work in any mercantile institution, office, laundry, manufacturing establishment, workshop, place of amusement, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages between the hours of ten o'clock in the evening and six o'clock in the morning.

No child under fourteen years of age shall be employed in any mercantile institution, office, laundry, manufacturing establishment, workshop, place of amusement, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages.

Provided, that the judge of the juvenile court of the county, or city and county, or in any county or city and county in which there is no juvenile court, then any judge of the superior court of the county or city and county in which such child resides shall have authority to issue a permit to work to any such child over the age of twelve years upon a sworn statement being made to him by the parent of such child that such child is past the age of twelve years, that the parents or parent of such child are incapacitated for labor through illness, and after investigation by a probation officer or truant officer of the city, or city and county, in which such child resides, or in cities and counties where there are no probation or truant officers, then by such other competent person as the judge may designate for this purpose. The permit so issued shall specify the kind of labor and the time for which it is issued, and shall in no case be issued for a longer period than shall seem necessary to the judge issuing such permit. Such permit shall be kept on file

Minor
under 16
years.

Minor
under 14
years

Permits for
child over
12 years.

What per-
mit shall
specify.

by the person, firm, or corporation employing the child therein designated, during the term of said employment, and shall be given up to such child upon his quitting such employment. Such certificate shall be always open to the inspection of the truant and probation officers of the city and county, city or county, in which the place of employment is situated, or of the officers of the state bureau of labor statistics.

Attend-
ance offi-
cer, right
of to enter
place of
employ-
ment.

And provided, that the attendance officer of any county, city and county, or school district in which any place of employment, in this section named, is situated, shall have the right and authority, at all times to enter into any such place of employment for the purpose of investigating violations of the provisions of this act, or violations of the provisions of an act entitled "An act to enforce the educational rights of children and providing penalties for violations of the act," approved March 24, 1903, and amended March 20, 1905: *provided, however*, that if such attendance officer is denied entrance to such place of employment, any magistrate may, upon the filing of an affidavit by such attendance officer setting forth the fact that he has good cause to believe that the provisions of this act, or the act hereinbefore referred to, are being violated in such place of employment, issue an order directing such attendance officer to enter said place of employment for the purpose of making such investigations.

Employ-
ment dur-
ing school
vacation.

And provided, that any such child over the age of twelve years may be employed at any of the occupations mentioned in this act during the regular vacation of the public schools of the city, county or city and county, in which the place of employment is situated, upon the production of a permit signed by the principal of the school which such child has attended during the term next preceding any such vacation. Such permit shall contain the name and age of the child to whom it is issued, and the date of the termination of the vacation for which it is issued, and shall be kept on file by the employer during the period of employment, and at the termination of such employment shall be returned to the child to whom it was issued.

No minor who is under sixteen years of age shall be employed or permitted to work at any gainful occupation during the hours that the public schools of the city, town or school district in which his place of employment is situated are in session, unless he or she can read English at sight and can write legibly and correctly simple English sentences, or unless he or she is a regular attendant for the then current term at a regularly conducted night school. A certificate of the principal of such school shall be held to be sufficient evidence of such attendance.

Sec. 2. Section three of an act entitled, "An act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the commissioner of the bureau of labor statistics and providing penalties for the violation hereof," approved February 20, 1905, is hereby amended to read as follows:

Section 3. Every person, firm, or corporation employing minors under eighteen years of age, in any manufacturing establishment, shall post, and keep posted, in a conspicuous place in every room where such help is employed, a written or printed notice stating the number of hours per day for each day of the week required of such persons.

Minors under 18 years, hours of labor.

Every person, firm, or corporation, agent or officer of a firm or corporation employing or permitting minors under sixteen years and over fourteen years of age to work in any mercantile institution, office, laundry, manufacturing establishment, workshop, place of amusement, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, shall keep a record of the names, ages, and places of residence of such minors, and shall have on file a certificate of age and schooling, as provided in this act, for every such minor so employed, said record and certificate to be open at all times to the inspection of those whose duty it is to enforce the provisions of this act.

Record of names, etc., to be kept.

An age and schooling certificate shall be approved only by the superintendent of schools of the city or city and county, or by a person authorized by him, in writing, or where there is no city or city and county superintendent of schools, by a person authorized by the local school trustees; *provided*, that the superintendent or principal of any school of recognized standing shall have the right to approve an age and schooling certificate, and shall have the same rights and powers as the superintendent of public schools to issue the certificate herein provided, for children attending such schools. The persons authorized to issue age and schooling certificates shall have the authority to administer the oaths necessary for carrying out the provisions of this act, but no fees shall be charged for issuing such certificates.

Age certificate, by whom may be approved.

An age and schooling certificate shall not be approved unless satisfactory evidence is furnished by the last school census, the certificate of birth or baptism of such child, the public register of birth of such child, or in some other manner, that such child is of the age stated in the certificate.

Evidence for certificate.

A duplicate copy of each age and schooling certificate granted under the provisions of this act shall be kept by the person issuing such certificate, such copy to be filed with the county superintendent of schools in the county where the certificate was issued; *provided*, that all such copies of certificates issued between June 25th and December 25th of any year shall be filed not later than December 31st of such year, and those issued between December 25th and June 25th of the ensuing year shall be filed not later than June 30th of each year. Such certificate shall be substantially in the following form, to wit:

Duplicate copy to be kept.

Age and Schooling Certificate.—This certifies that I am the (father, mother, or guardian) of (name of child), and that (he or she) was born at (name of town or city), in the county of (name of county) (if known) and state (or country)

Form of certificate.

of (name), on the (day and year of birth), and is now (number of years and of months) old.

Signature as provided in this act.

Town or city, and date.

There personally appeared before me the above-named (name of person signing) and made oath that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge and belief.

I hereby approve the foregoing certificate of (name of child) height (feet and inches), complexion (fair or dark), hair (color), having no sufficient reason to doubt that (he or she) is of the age therein certified, and I hereby certify that (he or she) can or can not read English at sight, and can or can not write legibly simple sentences in the English language.

Signature of the person authorized to sign, with his official character and authority.

Town or city and date.

This certificate belongs to the person in whose behalf it is drawn, and it shall be surrendered to (him or her) whenever (he or she) leaves the service of the person, firm, or corporation holding the same.

By whom
to be
signed.

The certificate as to the birthplace and age of the minor under sixteen and over fourteen years of age shall be signed by his father, his mother, or his guardian; if a child has no father, mother, or guardian living in the same city or town, his own signature to the certificate may be accepted by the person authorized to approve the same.

Every person authorized to sign the certificate prescribed by this act, who knowingly certifies to any false statement therein, is guilty of a misdemeanor and upon conviction thereof shall be fined not less than five nor more than fifty dollars, or imprisonment not more than thirty days, or by both such fine and imprisonment.

Duty of
superin-
tendent of
schools.

The county superintendent of schools of each county shall file with the commissioner of the bureau of labor statistics a report showing the number of age and schooling certificates issued to male and female minors, fourteen years and fifteen years of age, and such other detailed information as the commissioner may require. Said report to be filed during the months of January and July of each year for the preceding six months ending June 25th and December 25th of each year, and cover certificates issued during said periods and on file in the office of county superintendents of schools, as described in paragraph five of this section.

Sec. 3. Section 4 of an act entitled, "An act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the commissioner of the bureau of labor statistics and providing penalties for the violation hereof," approved February 20, 1905, is hereby amended to read as follows:

Section 4. Any person, firm, corporation, agent, or officer of a firm or corporation that violates or omits to comply with any of the foregoing provisions of this act, or that employs, or suffers, or permits any minor to be employed in violation thereof, is guilty of a misdemeanor and shall, on conviction thereof, be punished by a fine of not less than fifty dollars or more than two hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment, for each and every offense. A failure to produce any age and schooling certificate or permit, or to post any notice required by this act, shall be prima facie evidence of the illegal employment of any person whose age and schooling certificate or permit is not produced, or whose name is not so posted. Any fine collected under the provisions of this act shall be paid into the school funds of the county, or city and county, in which the offense occurred.

Penalty
for viola-
tion of act.

Disposi-
tion of
fines.

Except such fines imposed and collected as the result of prosecutions by the officers of the bureau of labor statistics. In such cases one half of resultant fine or fines shall be paid into the state treasury and credited to the contingent fund of the bureau of labor statistics, and one half paid into the school funds of the county, or city and county in which the offense occurred.

Sec. 4. Section 6 of an act entitled, "An act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the commissioner of the bureau of labor statistics and providing penalties for the violation hereof," approved February 20, 1905, is hereby amended to read as follows:

Section 6. It shall be the duty of the commissioner of the bureau of labor statistics to enforce the provisions of this act. The commissioner, his deputies and agents shall have all powers and authority of sheriffs to make arrests for violations of the provisions of this act.

Duty of
labor com-
missioner.

CHAPTER 255.

An act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the state capitol building, and to appropriate the sum of seventeen hundred dollars therefor.

[Approved March 15, 1909.]

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

Appropriation to purchase oil paintings.

SECTION 1. The sum of seventeen hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln, the other of ex-President William McKinley, to be hung in the state capitol building.

SEC. 2. The controller of state is hereby authorized to draw his warrant for the sum of seventeen hundred dollars in favor of the heirs of William Cogswell, deceased, after the execution of a bill of sale to the State of California of said paintings and delivery of said paintings to the governor of the State of California. The state treasurer is hereby authorized to pay the same upon the delivery of said paintings and execution of said bill of sale.

SEC. 3. This act shall take effect from and after July 1st, 1909.

CHAPTER 256.

An act to create a fish game preservation fund and to unite the "fish commission fund," and the "game preservation fund" into a common fund to be known as "fish and game preservation fund."

[Approved March 15, 1909.]

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

"Fish and game preservation fund" created.

SECTION 1. There is hereby created a fund to be known as and called "fish and game preservation fund" which said fund shall be kept in the state treasury, and shall be applicable to the payment of the expense of propagating, protecting, restoring and introducing game fish in the public waters of this state, and to the propagation, protection, restoration and transferring of game birds and animals in the state, and to the introduction of game birds and animals into the state, and to

the payment of the expenses incurred in the prosecution of offenders against the fish and game, and fish and game license laws of the state, and to all other necessary expenses, approved by the fish and game commissioners.

SEC. 2. Wherever the term "fish commission fund," and "game preservation fund" appears in any of the codes or statutes of this state, it shall be deemed and construed to be "fish and game preservation fund" herein created, and all moneys now in said funds shall be transferred to the fish and game preservation fund.

SEC. 3. All acts and parts of acts so far as they conflict with this act are hereby repealed.

CHAPTER 257.

An act to amend section 1521 of the Political Code of the State of California, relating to the duties of the state board of education.

[Approved March 15, 1909.]

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

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

1521. The powers and duties of the state board of education are as follows:

1. To adopt rules and regulations not inconsistent with the laws of this state for its own government, and for the government of the public schools and district school libraries.

2. (a) To prescribe by general rule the credentials upon which persons may be granted certificates to teach in the high schools of this state. No credentials shall be prescribed or allowed, unless the same, in the judgment of said board, are the equivalent of a diploma of graduation from the University of California, and are satisfactory evidence that the holder thereof has taken an amount of pedagogy equivalent to the minimum amount of pedagogy prescribed by the state board of education of this state, and include a recommendation for a high school certificate from the faculty of the institution in which the pedagogical work shall have been taken.

(b) The said board shall also consider the cases of individual applicants who have taught successfully for a period of not less than twenty school months, and who are not possessed of the credentials prescribed by the board under the provisions of this section. The said board, in its discretion, may issue to such applicants special credentials upon which they may be granted certificates to teach in the high schools of the state.

State board
of educa-
tion, gen-
eral pow-
ers and
duties of.

In such special cases, the board may take cognizance of any adequate evidence of preparation which the applicants may present. The standard of qualification in such special cases shall not be lower than that represented by the other credentials named by the board under the provisions of this section.

3. To grant life diplomas of four grades, valid throughout the state, as follows:

(a) High school: Authorizing the holder to teach in any primary and grammar or high school.

(b) Grammar school: Authorizing the holder to teach in any primary or grammar school.

(c) Kindergarten-primary: Authorizing the holder to teach in the kindergarten class of any primary school.

(d) Special: Authorizing the holder to teach in any school such special branches and in such grades as are named in such diploma.

4. Except as provided in sections fifteen hundred and three and seventeen hundred and seventy-five of this code, life diplomas may be issued only to such persons as have held for one year, and still hold a valid county, or city and county, certificate, corresponding in grade to the grade of diploma applied for, and who shall furnish satisfactory evidence of having had a successful experience in teaching of at least forty-eight months. Not less than twenty-one months of said experience shall have been in the public schools of California. Every application must be accompanied to the state board of education by a certified copy of a resolution adopted by at least a three-fourths vote of all the members composing a county, or city and county, board of education, recommending that the diploma be granted, and also by an affidavit of the applicant, specifically setting forth the places in which, and the dates between which, said applicant has taught. The application for any credential or diploma or document mentioned in this chapter must also be accompanied by a fee of two dollars, for the purpose of defraying the expense of issuing the credential, document or diploma.

5. To revoke or suspend for immoral or unprofessional conduct, or for evident unfitness for teaching, life diplomas, educational diplomas, documents issued under the provisions of sections fifteen hundred and three and seventeen hundred and seventy-five of this code, or credentials issued in accordance with subdivision two of this section; and to adopt such rules for said revocation as they may deem expedient or necessary.

6. To have done by the state printer, or other officer having the management of the state printing, any printing required by it: *provided*, that all orders for printing shall first be approved by the state board of examiners.

7. To adopt and use, in authentication of its acts, an official seal.

8. To keep a record of its proceedings.

9. To designate some educational monthly journal as the official organ of the department of public instruction. The

publishers of such journal shall, before the tenth day of each month, mail one copy of such journal to the clerk of every school district in the state and to the secretary of every board of education, and shall, on or before the tenth day of each month, file an affidavit with the superintendent of public instruction, showing that such copies have been so mailed for that month. Each clerk of a school district and each clerk of a board of education, receiving a copy of such journal so mailed to him, shall place such copy in the school library of his district, before the end of the month in which such copy shall be so received. The county superintendent of schools of each county, or city and county, shall draw his warrant semi-annually, in favor of the publishers of such school journal, for an amount equal to one half of the regular subscription price of such journal, not exceeding one dollar and fifty cents in any school year for each and every school district in his county, or city and county, and charge the same to the library fund of the district: *provided*, that such warrant shall not be drawn until such county superintendent of schools shall have received from the superintendent of public instruction a certificate to the effect that the affidavits aforesaid have been duly filed in his office, showing the mailing of copies of such journal as above required, for the half year to be covered by such warrant.

CHAPTER 258.

An act to amend section 4253 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twenty-fourth class.

[Approved March 15, 1909.]

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

SECTION 1. Section 4253 of the Political Code of the State of California, is hereby amended to read as follows:

4253. In counties of the twenty-fourth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries in
counties of
twenty-
fourth
class
(Sliskiyou).

1. The county clerk, three thousand five hundred dollars per annum.
2. The sheriff, six thousand dollars per annum.
3. The recorder, thirty-five hundred dollars per annum.
4. The auditor, two thousand dollars per annum.
5. The treasurer, eighteen hundred dollars per annum.
6. The tax collector, fifteen hundred dollars per annum.
7. The assessor, four thousand dollars per annum.
8. The district attorney, two thousand dollars per annum.

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

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

11. The superintendent of schools, two thousand dollars per annum, and his reasonable traveling expenses incurred in visiting schools of the county, to be fixed and allowed by the board of supervisors, not to exceed the sum of five hundred dollars per annum; *provided*, he shall devote his entire time to the duties of said office.

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

Justices of
the peace.

13. Justices of the peace in townships having a population of fifteen hundred, or more, shall receive a monthly salary of forty dollars per month; in townships having a population of one thousand or less than fifteen hundred shall receive a salary of thirty dollars per month, and in townships having a population of less than one thousand, shall receive a salary of ten dollars per month, and all justices shall make monthly reports and pay all fines to county every month.

Consta-
bles.

14. Constables in townships having a population of two thousand, or more, shall receive a monthly salary of fifty dollars per month; in townships having a population of one thousand or less than two thousand, shall receive a salary of forty dollars per month; and in townships having a population of less than one thousand, shall receive a salary of twenty dollars per month. The salaries of township officers, herein provided for, shall be paid monthly, in the same manner as the salaries of the county officers are paid, and shall be in full compensation for all services rendered by them in criminal cases. In civil cases they may retain the fees that are now or may hereafter be allowed by law.

Super-
visors.

15. The meetings of the board of supervisors shall be monthly and be held on the first Monday of each and every month. Each member of the board of supervisors is to receive a salary of one thousand dollars per annum and mileage at the rate of twenty cents per mile from his home to and from county seat.

Official
reporter.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and when requested by the district attorney, for preliminary examinations in justices' court, a monthly salary of one hundred dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for a transcription in criminal cases to be audited and allowed by the board of super-

visors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

17. Grand jurors or trial jurors in criminal cases in the superior court shall receive, as compensation for each day's attendance, per day two dollars and fifty cents, and for each mile actually traveled in attending court as a grand juror or juror at a criminal case, in the superior court in going only per mile fifteen cents. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror, and the auditor shall draw his warrant for the amount to which each juror is entitled, and the treasurer shall pay the same. Jurors.

CHAPTER 259.

An act to amend sections 385 and 386 of the Political Code, relating to the salaries of the private secretary and the executive secretary of the governor.

[Approved March 15, 1909.]

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

SECTION 1. Section 385 of the Political Code is hereby amended to read as follows:

385. The annual salary of the private secretary of the governor, is five thousand dollars. Salaries of secretaries to gov-
ernor.

SEC. 2. Section 386 of the Political Code is hereby amended to read as follows:

386. The executive secretary of the governor is the ex officio secretary of the board of state capitol commissioners. His annual salary as executive secretary of the governor is three thousand dollars, and his annual salary as secretary of state capitol commissioners is six hundred dollars.

SEC. 3. This act shall take effect immediately.

CHAPTER 260.

An act to amend section one of an act entitled "An act requiring the wardens of the state prisons of California to furnish the sheriffs of California and the bureaus of identification with certain information concerning convicts within thirty days after receiving said convicts, and providing for payment of the expense incurred thereby," approved March 20, 1905, to include chiefs of police of regularly constituted police departments of incorporated cities and towns among those to whom such information shall be furnished.

[Approved March 18, 1906.]

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

SECTION 1. Section one of an act of the legislature of the State of California entitled "An act requiring the wardens of the state prisons of California to furnish the sheriffs of California and the bureaus of identification with certain information concerning convicts within thirty days after receiving said convicts, and providing for payment of the expense incurred thereby," approved March 20, 1905, is hereby amended so as to read as follows:

Descriptions of prisoners, to be furnished, to whom.

Section 1. The wardens of the state prisons of the State of California shall within thirty days after receiving persons convicted of crime and sentenced to serve terms in the respective prisons, send to the sheriffs of the State of California, to the legalized bureau of identification and to the chiefs of police of all regularly constituted police departments of incorporated cities and towns within said state, photographs together with minute descriptions including marks of identification of all such persons and also a statement of the nature of the crime for which said persons are imprisoned.

CHAPTER 261.

An act to amend "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, approved March 18, 1885, by adding thereto a new section numbered 56, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.

[Approved March 18, 1909.]

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

SECTION 1. An act entitled "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, is hereby amended by adding a new section thereto, numbered 56, in the words and figures following, to wit:

Section 56. When the work prescribed by the resolution of intention is exclusively sidewalk or curbing work with or without such grading as is incidentally necessary to the doing of such sidewalk or curbing work, and no proposals or bids for doing the work are delivered to the clerk, as invited by the notice inviting the same, as provided for in section five of this act, the city council may, in its discretion, by a vote of three fourths of its members in the affirmative, direct that a proposal or bid in the name and on the part of the city be filed, whereupon the contract for doing the work shall be awarded to the city, and the city shall thus be and become the "contractor" within the meaning of this act. And when the time has expired within which, as provided in said section five of this act, the owners may elect to take the contract, shall have expired, and such owners have not so elected, the city shall be deemed to have undertaken to do and complete the work, at the price named in such bid or proposal, within ninety days after the time when as aforesaid it is to be deemed to have undertaken the same, and to begin such work within fifteen days after said time. The city need not enter into a contract with the superintendent of streets, as provided in section six of this act, nor give any check or bond either upon bidding or to secure the performance of the work or payment for labor or materials. The warrant provided for in section nine of this act shall be delivered to the clerk of the city council, and such clerk is hereby authorized to make on the part of the city the demand provided for in section ten of this act. Except as in this section expressly provided otherwise, all and singular the provisions of this act shall apply in the case where the city, under the provisions of this section, becomes the contractor, that is to say, undertakes to do the work. And all the rights, City may become contractor, when.

dues and remedies of the "contractor," under the provisions of this act, shall accrue to the city in its character of one undertaking to do the work, as provided in this section.

SEC. 2. This act shall take effect immediately.

CHAPTER 262.

An act providing for the labeling or stamping by the manufacturer, vendor, or person, offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of secondhand or cast off clothing, rags, or cast off, or secondhand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this act a misdemeanor.

[Approved March 18, 1909.]

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

Shoddy
cushions,
stamp
must show
fact.

SECTION 1. All persons manufacturing in this state, in whole or in part, any article of hotel, boarding house, lodging house or domestic or office furniture, or beds or mattresses, or cushions, used or intended to be or that could be used by human beings, that are stuffed or made in whole or in part, with material composed in whole or in part from secondhand or cast off clothing, rags, or secondhand, or cast off material of any character whatever, or with shoddy, shall at the time of the completion of such manufacture attach to a conspicuous place upon each of such articles so manufactured by him, a label or stamp showing the correct character of the materials with which the cushion portion of such articles of furniture or beds or cushions or mattresses are stuffed, and no person so manufacturing any such articles shall allow the same or any thereof to leave his possession in the course of trade or business unless such label or stamp is so affixed, and no person shall sell, or offer for sale, in this state any of such articles of furniture, or beds, or mattresses, or cushions, whether the same are manufactured in this state or not, unless such a label or stamp is so affixed.

Penalty.

SEC. 2. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty, nor more than five hundred dollars, or imprisoned not more than six months, or by both such fine and imprisonment.

CHAPTER 263.

An act to add a new section to the Penal Code of California relating to the desecration, mutilation or improper use of the flag of the United States of America.

[Approved March 18, 1909.]

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

SECTION 1. A new section is hereby added to the Penal Code of California to be numbered 310 and to read as follows:

310. That any person, firm or corporation, who, in any manner, for exhibition or display, puts, places, or causes to be placed, an inscription, picture, device, design, symbol, name, advertisement, word, letter, character, mark or notice of any kind whatsoever, upon any flag of the United States, or ensign evidently purporting to be such flag, or who in any manner appends, annexes or affixes to any such flag any inscription, picture, device, symbol, name, advertisement, word, letter, character, mark or notice whatsoever, or who displays or exhibits, or causes to be displayed or exhibited, any flag, of the United States or ensign purporting to be such flag, upon which is put, attached, annexed, affixed or placed in any manner, any inscription, picture, design, device, symbol, name, advertisement, word, letter, mark or notice whatsoever, or who mutilates, tramples upon, or otherwise defaces or defiles any such flag, said flag, be public or private property, or who places or causes to be placed on any manufactured or prepared article or covering of said article, such flag, or indication of such flag, or who uses or causes to be used for purposes of a commercial or other trade-mark, such flag, or indication of such flag, shall be fined not more than two hundred dollars or imprisoned not more than one year, or both, for each and every offense, in the county jail of the county in which the trial is held; *provided however*, that flags, or ensigns, the property of and used in the service of the United States, or any state, territory or District of Columbia, may have inscriptions, names of actions, battles, skirmishes, or words, marks or symbols, which are placed thereon pursuant to law or authorized regulations; *provided further*, that this act shall not apply to banners or flags carried by military or patriotic organizations existing under the laws of the State of California and the United States of America, or to flags used in theatrical performances, or to flags carried by political parties, or organizations, in parades, or in public meetings.

Advertisements, etc., on flag prohibited.

Penalty.

Exceptions.

CHAPTER 264.

An act to regulate the production and sale of certified milk.

[Approved March 18, 1900.]

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

Certified
milk, sale
of.

SECTION 1. No person shall sell or exchange, or offer or expose for sale or exchange, as and for certified milk any milk which does not conform to the regulations prescribed by, and bear the certification of, a milk commission appointed by a county medical society organized under and chartered by the medical society of the State of California and which has not been pronounced by such authority to be free from antiseptics, added preservatives, and pathogenic bacteria, or bacteria in excessive numbers. All milk sold as certified milk shall be conspicuously marked with the name of the commission certifying it. *Provided* that such milk commission shall make all requirements for the production and handling of certified milk uniform and fair, and shall not refuse to certify milk for any applicant for certification who shall comply with the provisions of this act, and the requirements of the milk commission whose certification is sought.

Uniform
require-
ments.

Penalty.

SEC. 2. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than twenty-five (\$25) dollars nor more than two hundred (\$200) dollars, or by imprisonment in the county jail for not less than ten (10) nor more than sixty (60) days.

CHAPTER 265.

An act to add a new section to the Penal Code of California, to be known and numbered as section 308b, providing that any principal, teacher, employee or school officer of any elementary or secondary school who refuses to use the text-books prescribed by the proper authority for use in the elementary or secondary schools under his charge, or who causes any pupil to purchase any supplementary book or books for said pupil's use in the schools, or who refuses or willfully neglects to make such reports as are required by law, is guilty of a misdemeanor, and prescribing a penalty therefor.

[Approved March 18, 1909.]

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

SECTION 1. A new section is hereby added to the Penal Code of California, to be known and numbered as section 308b, and to read as follows:

308b. Any principal, teacher, employee or school officer of any elementary or secondary school who refuses to use the text-books prescribed by the proper authority for use in the elementary or secondary schools under his charge, who causes any pupil to purchase any supplementary book or books for said pupil's use in the schools, or who refuses or willfully neglects to make such reports as are required by law, is guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not more than one hundred dollars.

Sec. 2. This act shall take effect and be in force on and after July 1, 1909.

CHAPTER 266.

An act to validate proceedings for the reorganization of municipal corporations taken since the passage of the act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883; and also, since the passage of the act entitled "An act to provide for the classification of municipal corporations," approved March 3, 1883.

[Approved March 18, 1909.]

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

SECTION 1. All cities or towns, reorganized, or claiming to have been reorganized, since the passage of the acts the titles of which are recited in the title hereof, or which have attempted since said dates to reorganize or incorporate under

Supplemental books, purchase of.

Municipal corporations, validation, dating certain.

the provisions of said acts, or either of them, and have acted as municipal corporations since such reorganization, are hereby declared to be and to have been from the date of such reorganization, or attempted reorganization, duly and legally incorporated and reorganized cities, and all proceedings for the reorganization of such municipal corporations are hereby validated and declared legal; *provided*, that this act shall not affect any municipal corporation where an action is pending to test the validity of such municipal corporation.

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

CHAPTER 267.

An act to establish a standard form of fire insurance policy and to prevent variations therefrom, excepting under certain stated conditions and restrictions.

[Approved March 18, 1909.]

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

Standard form of fire insurance policy.

SECTION 1. The following is adopted as a standard form of fire insurance policy for the State of California:

CALIFORNIA STANDARD FORM FIRE INSURANCE POLICY.

No..... Amount \$.....
Rate

No other insurance permitted

except by agreement endorsed hereon or added hereto.

(Here insert name of company, and place of its main office in California, and name of state or country under which incorporated or organized.)

IN CONSIDERATION of the stipulations herein named and of dollars premium does insure for the term of from the....day of..... 19...., at noon, to the day of 19 at noon against all loss or damage by fire, except as hereinafter provided.

To an amount not exceeding dollars to the following described property while located and contained as described herein, and not elsewhere, to wit:

The company will not be liable beyond the actual cash value of the interest of the insured in the property at the time of

loss or damage nor exceeding what it would then cost the insured to repair or replace the same with material of like kind and quality; said cash value to be estimated without allowance for any increased cost of repair or reconstruction by reason of any ordinance or law regulating repair or construction of buildings, and without compensation for loss resulting from interruption of business or manufacture.

This policy is made and accepted subject to the foregoing stipulations and conditions and those hereinafter stated, which are hereby specially referred to, and made part of this policy, together with such other provisions, agreements or conditions as may be endorsed hereon or added hereto, and no officer, agent, or other representative of this company shall have power to waive any provision or condition of this policy except by writing endorsed hereon or added hereto, and no person, unless duly authorized in writing, shall be deemed the agent of this company.

This policy shall not be valid until countersigned by the duly authorized agent of the company, at.....

IN WITNESS WHEREOF, this company has executed and attested these presents (here insert name of company)

by
 Countersigned at.....this..... day of.....19...
 Agent.

STIPULATIONS AND CONDITIONS SPECIALLY REFERRED TO.

Property not covered. (a) This company shall not be liable for loss to accounts, bills, currency, evidences of debt or ownership or other documents, money, notes or securities; nor, (b) unless liability is specifically assumed hereon, for loss to bullion, casts, curiosities, drawings, dies, jewels, manuscripts, medals, models, patterns, pictures, scientific apparatus, business or store or office furniture or fixtures, sculptures, frescoes, decorations, or property held on storage or for repair.

Stipulations and conditions: property not covered.

Hazards not covered. This company will not be liable for loss by (a) theft; or (b) by neglect of the insured to use all reasonable means to save and preserve the property at and after a fire, or when the property is endangered by fire; or (c) (unless fire ensues, and in that event for the damage by fire only) by explosion of any kind or lightning; or (d) by invasion, insurrection, riot, civil war, or commotion, or (except as hereinafter provided) by military or usurped power, or order of any civil authority, but the company will be liable (unless otherwise provided by endorsement hereon or added hereto) if the property is lost or damaged, by fire or otherwise, by civil authority or military or usurped power exercised to prevent the spread of fire not originating from a cause excepted hereunder and which fire otherwise probably would have caused the loss of or damage to the insured property.

Hazards not covered.

Matters avoiding policy. This entire policy shall be void, (a) if the insured has concealed or misrepresented any material fact or circumstances concerning this insurance or the subject

Matters avoiding policy.

thereof; or (b) in case of any fraud or false swearing by the insured touching any matter relating to this insurance or the subject thereof, whether before or after a loss.

Unless otherwise provided by agreement endorsed hereon or added hereto, this entire policy shall be void, (a) if the insured now has or shall procure any other insurance, whether valid or not, on property covered in whole or in part by this policy, or (b) if the interest of the insured be other than unconditional and sole ownership, or (c) if the subject of insurance be a building on ground not owned by the insured in fee simple, or (d) if with the knowledge of the insured foreclosure proceedings be commenced, or notice given of sale of any property covered by this policy by virtue of any mortgage or trust deed, or (e) if this policy be assigned before a loss.

Matters
suspend-
ing insur-
ance.

Matters suspending insurance. Unless otherwise provided by agreement endorsed hereon or added hereto this company shall not be liable for loss or damage occurring (a) while the hazard be materially increased by any means within the control of the insured; or (b) if the subject of insurance be a manufacturing establishment, while it is operated in whole or in part at night later than ten o'clock or while it ceases to be operated beyond the period of ten consecutive days; or (c) while mechanics or artisans are employed in building or altering or repairing the described premises for more than fifteen days at any one time; or (d) while illuminating gas or vapor be generated in the described building (or adjacent thereto) for use therein; or (e) while there be kept, used or allowed on the described premises (any usage or custom of trade or manufacture to the contrary notwithstanding) calcium carbide, phosphorus, dynamite, nitroglycerine, fireworks or other explosives; or exceeding one quart each of benzine, gasoline, naphtha or ether; or more than twenty-five pounds of gunpowder; or (f) while a building herein described whether intended for occupation by owner or tenant is vacant or unoccupied beyond the period of ten (10) consecutive days; (g) while the interest in, title to or possession of the subject of insurance is changed excepting:—(1) by the death of the insured; (2) a change of occupancy of building without material increase of hazard; and (3) transfer by one or more several copartners or coowners to the others.

Such suspension shall not extend the term of this policy nor create any right for refund of the whole or any portion of premium, nor affect the respective rights of cancellation.

Chattel
mortgage.

Chattel mortgage. Unless otherwise provided by agreement in writing endorsed hereon or added hereto this company shall not be liable for loss or damage to any property insured hereunder while encumbered by a chattel mortgage, but the liability of the company upon other property hereby insured shall not be affected by such chattel mortgage.

Fallen
building
clause.

Fallen building clause. Unless otherwise provided by agreement endorsed hereon or added hereto, if a building or any material part thereof fall, except as the result of fire, all insurance by this policy on such building or its contents shall immediately cease.

Removal when endangered by fire. Should any of said property be necessarily removed because of danger from fire, and there is no other insurance thereon, that part of this policy in excess of the value of the insured property remaining in the original location, or, if there is other insurance thereon, that part of this policy in excess of its proportion of the value of the insured property remaining in the original location, shall, for the ensuing five days only, cover said removed property in its new location or locations.

Removal
when en-
dangered
by fire.

Cancellation. This policy shall be cancelled at any time at the request of the insured, in which case the company shall, upon surrender of this policy, refund the excess of paid premium above the customary short rates for the expired time. This policy may be cancelled at any time, without tender of unearned portion of premium, by the company by giving five (5) days' written notice of cancellation to the insured and to any mortgagee or other party to whom, with the written consent of the company, this policy is made payable, in which case the company shall, upon surrender of the policy or relinquishment of liability thereunder, refund the excess of paid premium above the pro rata premium for the expired time.

Cancellat-
ion.

Duty of insured in case of loss. When a loss occurs the insured must give to this company written notice thereof without unnecessary delay; and shall protect the property from further damage; forthwith separate the damaged and undamaged personal property and put it in the best possible order; and without unnecessary delay make a complete inventory stating as far as possible the quantity and cost of each article, and the amount claimed thereon.

Duty of in-
sured in
case of
loss.

Within sixty days after the commencement of the fire the insured shall render to the company at its main office in California named herein preliminary proof of loss consisting of a written statement signed and sworn to by him setting forth:— (a) his knowledge and belief as to the origin of the fire; (b) the interest of the insured and of all others in the property; (c) the cash value of the different articles or properties and the amount of loss thereon; (d) all incumbrances thereon; (e) all other insurance, whether valid or not, covering any of said articles or properties; (f) a copy of the descriptions and schedules in all other policies unless similar to this policy, and in that event, a statement as to the amounts for which the different articles or properties are insured in each of the other policies; (g) any changes of title, use, occupation, location or possession of said property since the issuance of this policy; (h) by whom and for what purpose any building herein described, and the several parts thereof, were occupied at the time of the fire.

Proof of
loss.

If the company claims that the preliminary proof of loss is defective and within five days after the receipt thereof (without admitting the amount of loss or any part thereof) notifies in writing the insured, or the party making such proof of loss, of the alleged defects (specifically stating them) and requests that they be remedied by verified amendments the insured or such party within ten days after the receipt of such notifica-

Defective
proof.

tion and request must comply therewith or, if unable so to do, present to the company an affidavit to that effect.

Examina-
tion of
insured.

The insured shall also furnish, if required, as far as it is practicable to obtain the same, verified plans and specifications of any buildings, fixtures or machinery destroyed or damaged; and the insured shall exhibit to any person designated in writing by this company all that remains of any property herein described and shall submit to examination under oath, as often as required, by any such person, and subscribe to the testimony so given and shall produce to such person for examination all books of account, bills, invoices and other vouchers, and permit extracts and copies thereof to be made, and in case the originals are lost certified copies, if obtainable, shall be produced.

Ascertain-
ment of
amount of
loss.

Ascertainment of amount of loss. This company shall be deemed to have assented to the amount of the loss claimed by the insured in his preliminary proof of loss, unless within twenty days after the receipt thereof, or, if verified amendments have been requested, within twenty days after their receipt, or within twenty days after the receipt of an affidavit that the insured is unable to furnish such amendments, the company shall notify the insured in writing of its partial or total disagreement with the amount of loss claimed by him and shall also notify him in writing of the amount of loss, if any, the company admits on each of the different articles or properties set forth in the preliminary proof or amendments thereto.

When in-
sured and
company
disagree.

If the insured and this company fail to agree, in whole or in part, as to the amount of loss within ten days after such notification, this company shall forthwith demand in writing an appraisement of the loss or part of loss as to which there is a disagreement and shall name a competent and disinterested appraiser, and the insured within five days after receipt of such demand and name, shall appoint a competent and disinterested appraiser and notify the company thereof in writing, and the two so chosen shall before commencing the appraisement, select a competent and disinterested umpire.

Appraise-
ment of
loss.

The appraisers together shall estimate and appraise the loss or part of loss as to which there is a disagreement, stating separately the sound value and damage, and if they fail to agree they shall submit their differences to the umpire, and the award in writing duly verified of any two shall determine the amount or amounts of such loss.

Pay of ap-
praisers.

The parties to the appraisement shall pay the appraisers respectively appointed by them and shall bear equally the expense of the appraisement and the charges of the umpire.

If for any reason not attributable to the insured, or to the appraiser appointed by him, an appraisement is not had and completed within ninety days after said preliminary proof of loss is received by this company, the insured is not to be prejudiced by the failure to make an appraisement, and may prove the amount of his loss in an action brought without such appraisement.

Options of company in case of loss. This company may, at its option, take all or any part of the property for which insurance hereunder is claimed at its ascertained or appraised value, and may also, at its option, in satisfaction of its liabilities hereunder, repair, rebuild or replace any building or structure or machine or machinery used therein, with other of like kind and quality, within a reasonable time, upon giving notice within twenty days of its intention so to do after the receipt by it of the preliminary proof of loss, or, if verified amendments have been requested, within twenty days after their receipt, or, within twenty days after the receipt of an affidavit that the insured is unable to furnish such amendments.

Options of company.

There can be no abandonment to this company of any property.

Apportionment of loss. This company shall not be liable under this policy for a greater proportion of any loss on the described property, or for loss by, and expenses of, removal from the premises endangered by fire, than the amount hereby insured bears to the entire insurance covering such property whether valid or not, or by solvent or insolvent insurers.

Apportionment of loss.

Loss when payable. A loss hereunder shall be payable in thirty days after the amount thereof has been ascertained either by agreement or by appraisal; but if such ascertainment is not had or made within sixty days after the receipt by the company of the preliminary proof of loss, then the loss shall be payable in ninety days after such receipt.

When payable.

Non-waiver by appraisal or examination. This company shall not be held to have waived any provision or condition of this policy or any forfeiture thereof, by assenting to the amount of the loss or damage or by any requirement, act, or proceeding on its part relating to the appraisal or to any examination herein provided for.

Non-waiver clause.

Subrogation. If this company shall claim that the fire was caused by the act or neglect of any person or corporation, this company shall, on payment of the loss be subrogated to the extent of such payment to all right of recovery by the insured for the loss resulting therefrom, and such right shall be assigned to this company by the insured on receiving such payment.

Subrogation.

Time for commencement of action. No suit or action on this policy for the recovery of any claim shall be sustained, until after full compliance by the insured with all of the foregoing requirements, nor unless begun within fifteen months next after the commencement of the fire.

Time for commencement of action.

Definitions. Wherever in this policy the word "insured" occurs, it shall be held to include the legal representatives of the insured in case of his death, and wherever the word "loss" occurs, it shall be deemed the equivalent of "loss or damage," and wherever the words "the time of loss or damage" are used they shall be deemed the equivalent of "the time of the commencement of the fire."

Definitions.

What to be printed on outside fold of policy.

SEC. 2. There shall be printed on the outside fold of said policy in type not smaller than small pica the following words in this form:

READ THIS POLICY.

Ins. Co. is liable only for actual cash value.

POLICY IS VOID in case of any fraud, false swearing, misrepresentation or concealment about material facts.

POLICY IS VOID, unless otherwise agreed in writing, if

1st. It is assigned before loss;

2nd. Insured has or shall procure other insurance;

3rd. Any change occurs in location of property;

4th. Insured building is on ground not owned in fee simple by insured;

5th. Insured is not sole and unconditional owner.

POLICY IS SUSPENDED, unless otherwise agreed in writing, if

6th. Described building becomes vacant or unoccupied for ten days;

7th. Mechanics are employed more than 15 days in repairing same;

8th. Property is or becomes encumbered by chattel mortgage;

9th. Illuminating gas or vapor is generated in or adjacent to described building;

10th. Explosives or prohibited quantities of gasoline, etc., are kept on premises.

INSURANCE CEASES if described building or any material part falls except as result of fire.

Policy does not cover certain enumerated personal property.

NOTE particularly duty of insured in case of loss:

ALSO provisions avoiding or suspending policy, including changes of ownership or possession.

Special agreement regarding appraisalment.

SEC. 3. By special agreement endorsed on the policy or added thereto the provisions regarding appraisalment or apportionment of loss may be waived and the valuations of all or any of the insured property in case of total loss may be agreed upon in advance of loss.

Policy to be plainly printed.

SEC. 4. Said standard form of policy shall be plainly printed and no portion thereof shall be in type smaller than small pica and subheads shall be in type larger than pica, and the lines of the policy shall be numbered consecutively.

County fire companies excepted.

SEC. 5. This act shall not apply to any company organized under an act entitled "An act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, or amendments to that act, but all other fire insurance policies on property in California shall be on said standard form, and, except as herein provided, shall not contain additions thereto. No parts of the standard form shall be omitted therefrom.

SEC. 6. The blanks in said standard form shall be appropriately filled. The company may add to the standard form any matter relating to its financial condition, directors, officers, stockholders and history, and the address of its home office and principal office in the United States; also in red ink any provisions respecting any limitation of liability of the company, its stockholders or members which it is required or permitted by the law of the state or country of its organization to insert in its policies.

What may be added to policy.

SEC. 7. Clauses may be added to the standard form providing for and defining the rights, duties and obligations of mortgagees, assignees and other parties who have acquired or may acquire an interest in, right to or lien upon the insured property.

Clauses as to mortgagees.

SEC. 8. No clause shall be inserted or rider attached affecting the standard form liability of the insurer for loss or damage by fire occasioned either directly or indirectly by earthquake, hurricane, volcanic action or other disturbance of nature, unless the same shall be printed in red ink in type larger than small pica and at the head of the policy there shall be printed in red ink in large bold-faced type the words, "This policy contains limitations of liability not permitted in the California standard form."

Earthquake clause may be inserted, how.

SEC. 9. Clauses may be added to the standard form (a) covering property and risks not otherwise covered; (b) assuming greater liability than is otherwise imposed on the insurer; (c) granting insured permits and privileges not otherwise provided; (d) waivers of any of the matters avoiding the policy or suspending the insurance; (e) waivers of any of the requirements imposed on the insured after loss.

Other additional clauses.

SEC. 10. Except as herein otherwise provided clauses may be attached to the standard form by separate riders in type larger than pica imposing specified duties and obligations upon the insured and limiting the liability of the insurer.

Separate riders.

SEC. 11. Any insurers, other than corporations, issuing policies on property in California, shall use the standard form, changing only such words as refer to the corporation or company or to officers or agents of the corporation or company, and in regard to its organization; and such other insurers may substitute in place of such words having peculiar reference to corporations, appropriate words having similar reference to themselves.

Insurers other than corporations.

SEC. 12. Any insurer, or the agent countersigning or issuing a fire insurance policy covering in whole or in part property in California varying from the California standard form of policy except as herein provided is guilty of a misdemeanor but any policy so issued shall notwithstanding be binding upon the company issuing the same.

Penalty for violation of act.

SEC. 13. This act shall take effect and be in force from and after the first day of August, 1909.

CHAPTER 268.

An act to add a new section to the Political Code to be known as section 1665a, providing for the establishment and maintenance in cities of the first class of one or more public schools called cosmopolitan schools, in which shall be taught the French, Italian and German languages in connection with the English branches.

[Approved March 18, 1909.]

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

SECTION 1. A new section is hereby added to the Political Code to be known as section 1665a, to read as follows:

Cosmo-
politian
schools to
be estab-
lished in
San Fran-
cisco.

1665a. The board of education in every city of the first class shall establish and maintain in each of said cities of the first class at least one public school in which shall be taught the French, Italian and German languages in conjunction with the studies in the English language prescribed to be taught by section 1665 of the Political Code of the State of California. Such schools shall be designated as cosmopolitan schools, and shall be subject to such rules and regulations as may be prescribed by said boards of education of said cities of the first class wherein said school or schools shall be established and maintained.

SEC. 2. All acts and parts of acts so far as they are in conflict with the provisions of this act, are hereby repealed.

CHAPTER 269.

An act to amend section 1665 of the Political Code relative to the course of study in public schools of the State of California.

[Approved March 18, 1909.]

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

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

Courses of
study re-
quired in
public
schools.

1665. Instruction must be given in the following branches in the several grades in which they may be required, viz: reading, writing, orthography, arithmetic, geography, nature study, with special reference to agriculture; language and grammar, with special reference to composition; history of the United States and civil government; physical culture, including the necessary elements of physiology and hygiene, with

special reference to the injurious effects of tobacco, alcohol and narcotics on the human system; morals and manners; music, drawing and elementary bookkeeping, humane education, and, when competent teachers thereof can be secured and there are sufficient funds in the district to pay their salaries, manual training and domestic science; *provided*, that instruction in elementary bookkeeping, humane education, elements of physiology and hygiene, music, drawing, and nature study may be oral, and no text-books on these subjects shall be required. *Provided further* that county boards of education may, in districts having less than one hundred census children, confine the pupils to the studies of reading, writing, orthography, arithmetic, language and grammar, geography, history of the United States and civil government, elements of physiology and hygiene, elementary bookkeeping, until they have a practical knowledge of these subjects; *and it is further provided*, Recitations per week. that no more than twenty recitations per week shall be required of pupils in the secondary schools, and no pupil under the age of fifteen years in any elementary school shall be required to do any home study.

SEC. 2. This act shall take effect immediately after its passage.

CHAPTER 270.

An act to add a new section to the Penal Code to be numbered section six hundred and twenty-eight e to prevent the catching of surf-fish, yellow-fin or spot-fin croaker and providing penalties therefor.

[Approved March 18, 1909.]

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

SECTION 1. A new section is hereby added to the Penal Code to be numbered 628e to read as follows:

628e. Every person who at any time, except with hook and line, takes, catches or kills any California whiting (*Menticirrhus undulatus*) also known as surf-fish, or any yellow-fin or any spot-fin croaker, is guilty of a misdemeanor. And all fines collected for any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the "fish commission fund."

Surf-fish, protection of.

CHAPTER 271.

An act to amend section 384 of an act entitled "An act to establish a Political Code," approved March 12, 1872, and to add a new section thereto to be numbered 387, relating to the powers of the governor, his salary and the salaries of certain appointees.

[Approved March 18, 1900.]

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

SECTION 1. Section 384 of Political Code is hereby amended so as to read as follows:

Salary of
governor.

384. The annual salary of the governor, to include all services rendered ex officio as member of any board or commission as now or hereafter prescribed by law, is ten thousand dollars.

SEC. 2. A new section is hereby added to the Political Code, to be known as section 387, and to read as follows:

Salaries of
stenogra-
pher and
messenger.

387. The governor may appoint one stenographer at an annual salary of two thousand dollars. He may also appoint one messenger at an annual salary of fifteen hundred dollars. The salaries of such stenographer and messenger shall be payable at the same times and in the same manner as the salaries of the state officers.

SEC. 3. This act shall take effect immediately.

CHAPTER 272.

An act to provide for the purchase of portraits of Governor James N. Gillett, and Lieutenant-Governor Warren R. Porter by the state board of examiners and to appropriate money therefor.

[Approved March 18, 1900.]

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

Portraits
of gov-
ernor and
lieuten-
ant-gov-
ernor, pur-
chase of.

SECTION 1. The state board of examiners are hereby authorized to contract with a competent artist for the purchase of portraits of Governor James N. Gillett, and Lieutenant-Governor Warren R. Porter, the same to be appropriately framed at a price not to exceed one thousand dollars; and upon delivery of such portraits, so framed, to the said board of examiners the controller shall draw his warrant as said board of examiners may direct for the amount of the contract price; and the treasurer is hereby directed to pay the same.

SEC. 2. The sum of one thousand dollars, or so much thereof as may be necessary to pay the controller's warrant, drawn under the provisions of section one of this act, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose named in section one of this act. Appropriation.

CHAPTER 273.

An act to appropriate money for the payment of the claim of Geo. W. Bush.

[Approved March 19, 1909.]

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

SECTION 1. The sum of four hundred and fifty-three dollars and ninety-six cents is hereby appropriated out of the state treasury to pay the claim of Geo. W. Bush for services rendered as judge of the superior court of Shasta county. Appropriation.
Claim of
Geo. W.
Bush.

SEC. 2. The controller of state is hereby directed to draw the necessary warrant and deliver it to said Bush.

CHAPTER 274.

An act to permit boards of directors of irrigation districts organized or existing under and by virtue of an act of the legislature, 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 31st, 1897; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of said act.

[Approved March 19, 1909.]

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

SECTION 1. It shall be lawful for boards of directors of irrigation districts, organized or existing under or by virtue of an act of the legislature, 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 Payment
of assess-
ments.

purposes;" approved March 31st, 1897; to provide for the payment of assessments levied in accordance with the provision of said act, in two installments.

May be payable in two installments.

SEC. 2. The directors of any such irrigation district may, whenever they shall so determine, and must upon a petition in writing, signed by a majority of the assessment payers within such district, pass a resolution, providing that thereafter all assessments, except special assessments provided for by section thirty-four of said act of 1897, shall be payable in two installments, and in said resolution shall specify when such payments may be made.

Resolution for.

SEC. 3. Such resolution must be passed before the first Monday in August, and can not be rescinded to take effect during any year after the first Monday of March in that year.

When assessments become delinquent.

SEC. 4. Whenever the board of directors of such irrigation district shall have so determined, thereafter one half of the assessments levied within such district shall become delinquent at six o'clock p. m. on the last Monday of December, and one half thereof shall become delinquent at six p. m. on the last Monday of June next thereafter, *provided* that where an assessment has been levied as provided in section thirty four of said act the whole of such assessment shall become delinquent on the last Monday in December.

Only effect of this act.

SEC. 5. When provision is made, as herein provided, for the payment of said assessments in two installments, the publication of the delinquent list provided for in said act, shall not be made before the first day of July, but must be made on or before the first day of August, and except as otherwise herein provided all of the provisions of said irrigation act or acts not inconsistent with this act relative to the assessment, payment and collection of assessments, notice of assessments, publication of delinquent list, and sale for delinquent assessment, and all other provisions relative to such assessments shall be applicable, and the only effect of this act shall be to permit the payment of such assessments in two installments, and to postpone the notice of sale and sale provided for in said act until after the first day of July, and when sale is made at the time herein specified it shall have the same effect as though made at the time and in the manner specified in said act of 1897.

CHAPTER 275.

An act to amend sections 654, 684 and 685 of the Political Code, relating to the board of examiners.

[Approved March 19, 1909.]

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

SECTION 1. Section 654 of the Political Code is hereby amended so as to read as follows:

654. The governor, and in his absence, the secretary of state, is chairman of the board of examiners. The governor shall appoint a secretary to hold office during his pleasure, whose salary as secretary and ex officio member of the board shall be thirty-six hundred dollars per annum, payable in the same manner as the salaries of other state officers. He is an executive officer attached to the governor's office and is authorized to administer oaths and shall perform such duties, other than secretary, as may be assigned to him by the governor from time to time.

Officers of board.

Secretary, salary and duties.

SEC. 2. Section 684 of the Political Code is hereby amended so as to read as follows:

684. The governor may appoint an assistant to the secretary of the board of examiners at an annual salary of three thousand dollars, payable in the same manner as the salaries of other state officers. Said assistant is a civil executive officer.

Assistant secretary, salary of.

SEC. 3. Section 685 of the Political Code is hereby amended so as to read as follows:

685. The board may appoint four clerks for the secretary of said board, at an annual salary of seventeen hundred dollars each, payable in the same manner as the salaries of other state officers.

Clerks for secretary.

SEC. 4. This act shall take effect immediately.

CHAPTER 276.

An act to amend section sixteen of an act entitled "An act for the regulation of practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation." (Approved March 14, 1907.)

[Approved March 19, 1909.]

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

SECTION 1. Section 16 of an act entitled "An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, is amended to read as follows:

Previous
registration,
effect
of.

Section 16. Any person who holds a certificate from the board of medical examiners created by, "An act for the regulation of the practice of medicines and surgery, in the State of California, and for the appointment of a board of medical examiners in the matter of such regulation," which took effect August the first, nineteen hundred and one, or from one of the boards of examiners heretofore existing, under the provisions of "An act to regulate the practice of medicine in the State of California," approved April third, eighteen hundred and seventy-six, or an act supplemental and amendatory to said act, which became a law April first, eighteen hundred and seventy-eight, shall be entitled to practice medicine and surgery in this state, the same as if it had been issued under this act; any person who holds a certificate from the board of osteopathic examiners of the State of California, under the provisions of "An act to regulate the practice of osteopathy in the State of California, and to provide for a state board of osteopathic examiners, and to license osteopaths to practice in this state, and to punish persons violating the provisions of this act," which became a law under constitutional provisions, without the governor's approval, March ninth, nineteen hundred and one, shall be entitled to practice osteopathy in this state, the same as if it had been issued under this act. Any person who holds an unrevoked certificate issued by the board of examiners of the Association of Naturopaths of California, incorporated under the laws of the State of California, August eighth, 1904, and who shall be practicing naturopathy prior to the passage of this act, shall be entitled to practice naturopathy in this state, the same as if it had been issued under this act. The board of medical examiners shall endorse said certificate at their first meeting after this act becomes a law, or at any subsequent meeting of the board, but not later than six months

Osteo-
pathic
certificate.

Naturopathic
certificate.

after the passage of this act by signature of its president and secretary and affixing its official seal. *Provided, however,* that the holder of such certificate has signed his or her name on the back of said certificate and the president and secretary of the Association of Naturopaths of California, have certified over their respective signatures that the holder, of said certificate is the rightful owner of same. But all certificates herein mentioned may be revoked for any unprofessional conduct, in the same manner and upon the same grounds as if they had been issued under this act.

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

CHAPTER 277.

An act to amend section one of an act entitled "An act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments or appliances sold for the cure of diseases, injuries or deformities," approved March 20, 1903.

[Approved March 19, 1909.]

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

SECTION 1. Section one of an act entitled "An act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of diseases, injuries or deformities," approved March 20, 1903, is hereby amended so as to read as follows, viz:

Section 1. No person as principal or agent, shall conduct as an itinerant vendor the business of selling or in any manner disposing of drugs, nostrums, ointments or any appliances for the treatment of disease, deformities or injuries, within this state, without previously obtaining a license therefor as herein provided. License
required.

CHAPTER 278.

An act to amend section eight hundred and sixty-two of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and all amendments thereto.

[Approved March 19, 1909.]

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

SECTION 1. Section eight hundred and sixty-two of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, and all amendments thereto is hereby amended.

862. The board of trustees of said city shall have power:

General
power of
board of
trustees.

1. To pass ordinances not in conflict with the constitution and laws of this state or of the United States.

2. To purchase, lease, or receive such real estate situated inside or outside of the city limits and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city or town; *provided*, they shall not have power to sell or convey any portion of any water front.

3. To contract for supplying the city or town with water for municipal purposes, or to acquire, construct, repair, and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for the use of such city or the inhabitants, or for irrigating purposes therein.

4. To establish, build and repair bridges; to establish, lay out, alter, keep open, improve, and repair streets, sidewalks, alleys, and other public highways, squares and parks, and places within the city or town, and to drain, sprinkle, oil, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or on any part thereof; to cause to be planted, set out, and cultivated, shade trees therein; and generally to manage and control all such highways and places; and in the exercise of the powers herein granted to expend, in their discretion, the ordinary annual income and revenue of the municipality in payment of the costs and expenses of the whole or any part of such work or improvement.

5. To construct, establish, and maintain drains and sewers.

6. To provide fire engines and all other necessary and proper apparatus for the prevention and extinguishment of fires.

7. To impose on and collect from every male inhabitant between the ages of twenty-one and sixty years, an annual

street poll tax, not exceeding two dollars; and no other road poll tax shall be collected within the limits of the city.

General
power of
board of
trustees.

8. To impose and collect an annual license not exceeding two dollars on every male dog, and four dollars on every female dog owned or harbored within the limits of the city.

9. To levy and collect annually a property tax, which shall not exceed one dollar on each one hundred dollars.

10. To license, for the purpose of revenue and regulation, all and every kind of business authorized by law and transacted and carried on in such city or town, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise.

11. To improve the rivers and streams flowing through such city or adjoining the same; to widen, straighten, and deepen the channels thereof, and remove obstructions therefrom; to improve the water front of the city; to construct and maintain embankments and other works, to protect such city from overflow; and to acquire, own, construct, maintain, and operate on any lands bordering on any navigable bay, lake, inlet, river, creek, slough, or arm of the sea within the corporate limits of such city or contiguous thereto, wharves, chutes, piers, breakwaters, bath-houses, and life-saving stations.

12. To erect and maintain buildings for municipal purposes, and to acquire and maintain cemeteries, situated inside or outside of said city.

13. To acquire, own, construct, maintain, and operate street railways, telephone and telegraph lines, gas and other works for light, power, and heat; public libraries, museums, gymnasiums, parks, and baths, and to permit under such restrictions as they may deem proper, the laying of railroad tracks and the running of cars drawn by horses, steam, or other power thereon, and the laying of gas and water pipes in the public streets, and to permit the construction and maintenance of telegraph and telephone lines therein.

14. To impose fines, penalties, and forfeitures for any and all violations of ordinances; and for any breach or violation of any ordinance; to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months.

15. To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property, or works within the city.

16. To establish and maintain fire limits, and regulate building and construction and removal of buildings within the municipality.

17. To issue subpoenas for the attendance of witnesses, or the production of books or other documents, for the purpose of producing evidence or testimony in any action or proceeding pending before the board of trustees, which subpoenas must be signed by the president of the board of trustees and attested by the city clerk and may be served in the same manner as subpoenas are served in civil actions. Whenever any person

General
power of
board of
trustees.

duly subpoenaed to appear and give evidence, or to produce any books or any documents as herein provided, shall neglect or refuse to appear, or to produce such books or documents, as required by such subpoena, or shall refuse to testify before such board, or to answer any questions which a majority thereof shall decide to be proper and pertinent, it shall be the duty of the president of the board to report the fact to the judge of the superior court of the county, who shall thereupon issue an attachment in the form usual in the court of which he shall be judge, directed to the sheriff of the county where such witness was required to appear and testify, commanding the said sheriff to attach such person, and forthwith bring him before the judge by whose order such attachment was issued. On the return of the attachment and the production of the body of the defendant, the said judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a superior court.

18. To expend such sum as the board of trustees shall deem proper, not to exceed five per cent of the property tax levy in any one fiscal year, for music and promotion.

19. To do and perform any and all other acts and things necessary or proper to carry out the provisions of this act.

SEC. 2. This act shall take effect immediately.

CHAPTER 279.

An act to amend the title of and sections 1, 7, 8 and 9 of an act entitled "An act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6th, 1907.

[Approved March 19, 1909.]

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

Amend-
ment to
title of act.

SECTION 1. The title of an act entitled "An act to regulate the sale of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, is hereby amended so as to read as follows, viz: "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof."

SEC. 2. Section 1 of said act entitled "An act to regulate the sale of poisons in the State of California and providing a

penalty for the violation thereof" approved March 6, 1907, is hereby amended so as to read as follows:

Section 1. It shall be unlawful for any person to vend, sell, give away or furnish either directly or indirectly, any poisons enumerated in schedules "A" and "B" in section seven of this act set forth as hereinafter set forth in this act, without labeling the package, box, bottle or paper in which said poison is contained, with the name of the article, the word "poison" and the name and place of business of the person furnishing the same. Said label shall be substantially in the form hereinafter provided. It shall be unlawful to sell or deliver any of the poisons named in schedule "A" or any other dangerously poisonous drug, chemical, or medicinal substance, which may from time to time be designated by the State Board of Pharmacy of California, unless on inquiry it is found that the person desiring the same is aware of its poisonous character, and it satisfactorily appears that it is to be used for a legitimate purpose. It shall be unlawful for any person to give a fictitious name or make any false representations to the seller or dealer when buying any of the poisons thus enumerated. Printed notice of all such additions to the schedule of poisons named and provided for in this section, and the antidote adopted by the board of pharmacy for such poisons, shall be given to all registered pharmacists with the next following renewal of their certificates. It shall be unlawful to sell or deliver any poison included in schedule "A" or the additions thereto, without making or causing to be made, an entry in a book kept solely for that purpose, stating the date and hour of sale, and the name, address and signature of the purchaser, the name and quantity of the poison sold, the statement by the purchaser of the purpose for which it is required, and the name of the dispenser, who must be a duly registered pharmacist.

Poison packages to be labeled.

Purchaser must be put on inquiry.

Sales to be recorded.

Said book shall be in form substantially as follows:

Form of record.

Date and Hour.	Name of Purchaser.	Residence.	Kind and Quality.	Purpose of Use.	Signature of Druggist.	Signature of Purchaser.
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This book shall always be open for inspection by the proper authorities, and shall be preserved for at least five (5) years after the date of the last entry therein.

SEC. 3. Section 7 of said act is hereby amended so as to read as follows:

Section 7. Any person violating any of the provisions of section eight of this act shall upon conviction be punished as follows, viz: for the first offense by a fine of not less than one hundred dollars, and not to exceed two hundred and fifty dollars, or by imprisonment for not more than one hundred days or by both fine and imprisonment; for the second offense by a fine of not less than two hundred and fifty dollars, and not to exceed five hundred dollars, or by imprisonment for not more than two hundred days or by both such fine and imprisonment; and for the third offense by imprisonment in the state prison

Penal section

for not less than one year and not more than five years. Any person violating any of the provisions of this act, except those contained in section eight, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than thirty dollars, nor more than one hundred dollars, or by imprisonment for not more than fifty days or by both such fine and imprisonment. All fines collected shall be paid seventy-five (75%) per cent to the state board of pharmacy, and twenty-five (25%) per cent to the county treasurer of the county in which the prosecution is conducted.

The following is schedule "A" referred to in section one, viz:

Schedule
of poisons,
schedule
"A."

Schedule "A," arsenic, its compounds and preparations, corrosive sublimate and other poisonous derivatives of mercury, corrosive sublimate tablets, antiseptic tablets containing corrosive sublimate, cyanide of potassium, strychnine, hydrocyanic acid, oils of croton, rue and tansy, phosphorus and its poisonous derivatives or compounds, compound solution of cresol, lysol, strophanthus or its preparations, aconite, belladonna, nux vomica, veratrum viride, their preparations, alkaloids or derivatives.

Schedule
"B."

The following is schedule "B": Hydrochloric or muriatic acid, nitric acid, oxalic acid, sulphuric acid, bromide, chloroform, cowhage, creosote, ether, solution of formaldehyde or formalin; cantharides, cocculus indicus, Indian hemp or their preparations; iodine, or its tinctures, oils of savin and pennyroyal, tartar emetic and other poisonous derivatives of antimony, sugar of lead, sulphate of zinc, wool alcohol.

SEC. 4. Section 8 of said act is hereby amended to read as follows:

Sale of
opium, etc.

Section 8. It shall be unlawful for any person, firm, or corporation to sell, furnish or give away, or offer to sell, furnish or give away, or to have in their or his possession any cocaine, opium, morphine, codeine, heroin or chloral hydrate or any salt derivative or compound of the foregoing substances, or any preparation or compound containing any of the foregoing substances or their salts, derivatives or compounds, except upon the written order or prescription of a physician, dentist or veterinary surgeon licensed to practice in this state, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, or if ordered by a veterinary surgeon shall state the kind of animal for which ordered and shall be signed by the person giving the prescription or order. Such written order or prescription shall be permanently retained on file by the person, firm or corporation who shall compound or dispense the articles ordered, or prescribed, and it shall not be again compounded or dispensed if each fluid or avoirdupois ounce contains more than eight grains of opium, or one grain of morphine, or two grains of codeine, or half a grain of heroin or sixty grains of chloral hydrate, except upon the written order of the prescriber for each and every subsequent compounding or dispensing. No

Written
order to be
retained.

copy or duplicate of such written order or prescription shall be made or delivered to any person, but the original shall at all times be open to inspection by the prescriber and properly authorized officers of the law; *provided*, that the above provisions shall not apply to preparations sold or dispensed without a physician's prescription, containing less than two grains of opium, or one quarter grain of morphine or one half grain of codeine, or one sixth grain heroin, or ten grains chloral hydrate in one fluid ounce, or, if a solid preparation, in one avoirdupois ounce; *and provided further*, that the above provisions shall not apply to sales at wholesale by jobbers, wholesalers and manufacturers to pharmacies, as defined in section one of an act entitled: "An act to regulate the practise of pharmacy in the State of California and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy, approved March 20th, 1905, and acts amendatory thereof;" or physicians, nor to each other, nor to the sale at retail by retail pharmacies, to physicians, dentists, or veterinary surgeons duly licensed to practise in this state.

As to
wholesale-
salers.

It shall be unlawful for any practitioner of medicine, dentistry or veterinary medicine to furnish to or to prescribe for the use of any habitual user of the same, any cocaine, opium, morphine, codeine, heroin, or chloral hydrate, or any salt, derivative or compound of the foregoing substances, or any preparation containing any of the foregoing substances or their salts, derivatives or compounds, and it shall also be unlawful for any practitioner of dentistry to prescribe any of the foregoing substances for any person not under his treatment in the regular practise of his profession, or for any veterinary surgeon to prescribe any of the foregoing substances for the use of any human being; *provided, however*, that the provisions of this section shall not be construed to prevent any duly licensed physician from furnishing or prescribing in good faith for the habitual user of any narcotic drugs who is under his professional care, such substances as he may deem necessary for their treatment, when such prescriptions are not given or substances furnished for the purpose of evading the purposes of this act.

Habitual
users of
opium, etc.

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

Section 9. The sale or furnishing of carbolic acid (phenol) in quantities of less than one pound is prohibited unless upon the prescription of a physician, dentist or veterinary surgeon duly licensed to practise in this state; but this prohibition shall not apply to solutions of carbolic acid (phenol) containing not over ten per cent of the carbolic acid (phenol) and not less than ten per cent of ethyl alcohol. All sales of carbolic acid (phenol) thus diluted with water and ethyl alcohol so as to contain not more than ten per cent of carbolic acid (phenol) can be made under the same conditions as the drugs enumerated in schedule "B" as found in section seven, but sales of

Drugs ex-
empted
from regis-
tration.

carbolic acid (phenol) containing more than ten per cent of said acid shall be registered subject to the same regulations as the poisons enumerated in schedule "A" as found in section 7.

CHAPTER 280.

An act to amend section 1199 of the Political Code of the State of California, relating to printing of ballots.

[Approved March 19, 1909.]

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

SECTION 1. Section 1199 of the Political Code of the State of California is hereby amended to read as follows:

Number of ballots to be provided by county clerk.

1199. The county clerk of each county shall provide for each election precinct in the county fifteen general tickets for every ten or fraction of ten electors registered in the election precinct; and in case of a consolidated city and county, an equal number of municipal tickets, when any city and county officers are to be elected; and the clerk or secretary of the legislative body of any incorporated city or town shall furnish a like number of municipal tickets when any city or town officer is to be elected. And upon the day of an election, immediately upon the arrival of the hour when the polls are required by law to be closed, the county clerk in each county shall openly in his main office, in the presence of as many persons as may there assemble to observe his act, proceed to destroy every unused ballot which shall have remained in his possession, custody, or control, and forthwith make and file his affidavit, in writing, as to the number of ballots so destroyed.

Destruction of unused ballots.

SEC. 2. This act shall take effect sixty days after passage.

CHAPTER 281.

An act authorizing the board of supervisors of the county of Shasta to audit and pay the claim of Geo. W. Bush for services as judge of the superior court of Shasta county.

[Approved March 19, 1909.]

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

SECTION 1. The board of supervisors of the county of Shasta is hereby authorized to audit and order paid to Geo. W. Bush the sum of \$453.96 for services as judge of the superior court of said Shasta county and the treasurer of said county is hereby authorized to pay the same.

Authority to supervisors to pay claim.

CHAPTER 282.

An act to amend an act entitled "An act to add a new title to part III of the Penal Code, to be known as title I thereof, relating to the government and management of state prisons," approved March 18, 1907, by amending sections 1572, 1574, 1577, 1578 and 1582 of the Penal Code, relating to the government and management of state prisons.

[Approved March 19, 1909.]

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

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

1572. The state prisons of this state shall be known as the state prison at San Quentin, which is situated in the county of Marin, and which shall have an official staff conforming to the laws of the state in relation to state prisons; and the state prison at Folsom, which is situated in the county of Sacramento, and which shall have a similar staff and be similarly organized, and all the finances and accounts of the two prisons shall be kept separate and apart from each other.

State prisons, to be known by what names.

SEC. 2. Section fifteen hundred and seventy-four of the Penal Code is hereby amended to read as follows:

1574. The board of directors shall annually elect one of their members president of the board, whose duty it shall be to preside at the meetings of the board and to perform such other duties as may from time to time be prescribed by the rules and regulations for the government of the board, and the clerk of said board of directors shall immediately notify the governor in writing of such election.

President of board, election of.

SEC. 3. Section fifteen hundred and seventy-seven of the Penal Code is hereby amended to read as follows:

1577. The board of directors shall, within thirty days after this act becomes effective, appoint a warden for each prison, who shall take and subscribe an oath or affirmation faithfully to discharge the duties of his office, as prescribed by law and by the rules and regulations of the board of directors, and shall enter into a bond to the State of California, in the sum of twenty-five thousand dollars, with two or more sufficient sureties, said bond to be approved by the board of directors, the governor, and the attorney general of the state, conditioned to the faithful performance of such duties as such officer aforesaid. Each warden shall hold his office for a term of four years from and after the date of the appointment made in compliance with the provisions of this section, and his compensation shall be fixed at the time of his appointment in conformity with the provisions of section fifteen hundred and eighty-two of the Penal Code.

Appointment of warden.

Term of office.

SEC. 4. Section fifteen hundred and seventy-eight of the Penal Code is hereby amended to read as follows:

General
duties of
warden.

1578. The warden shall reside at the state prisons to which they are respectively assigned in houses provided and furnished at the expense of the state, as may be ordered by the board of directors, and it shall be their duty:

First—To fill all subordinate positions that may be created by order of the board of directors by appointment of suitable persons thereto.

Second—Under the order and direction of the board to prosecute all suits at law or in equity that may be necessary to protect the rights of the state in matters or property connected with the prisons and their management, such suits to be prosecuted in the name of the board of state prison directors.

Third—To supervise the government, discipline, and police of the prisons, and to enforce all orders and regulations of the board in respect to such prisons. A registry of convicts shall be kept by them respectively, in which shall be entered the name of each convict, the crime of which he is convicted, the period of his sentence, from what county sentenced, by what court sentenced, his nativity, to what degree educated, at what institution and under what system, an accurate description of his person, and whether he has been previously confined in a state prison in this or any other state, and if so, when and how he was discharged.

Fourth—To report to the governor before the twentieth of each month the names of all prisoners whose terms are about to expire, giving in such report the terms of their sentences, the date of imprisonment, the amount of total credits to the date of such report, and the date when their service would expire by limitation of sentence.

Fifth—To grade and classify the prisoners in accordance with the rules and regulations of the board of directors, now existing or which may hereafter be made, and to provide for clothing them in such manner that the different grades or classes may be readily distinguished.

Sixth—To perform such other duties as may be prescribed by the board of directors.

SEC. 5. Section fifteen hundred and eighty-two of the Penal Code is hereby amended to read as follows:

Salaries of
wardens
and clerks.

1582. The wardens' salaries shall be fixed by the board of directors at the time the appointments are made under the provisions of section fifteen hundred and seventy-seven of the Penal Code, which salaries shall not be changed during the term of office of such wardens. The board of directors shall also fix the salaries of the clerks and all other officers and employees in such amounts as the directors may deem just and equitable in each case.

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

SEC. 7. This act shall take effect and be in force sixty days from and after its passage and approval.

CHAPTER 283.

An act authorizing any incorporated town, city or municipal corporation to permit the construction and maintenance of any state or county highway or boulevard over highways or streets in its incorporated limits, or any portion thereof, by the supervisors or highway commissioners of the county.

[Approved March 19, 1909.]

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

SECTION 1. Any incorporated city, town or municipal corporation in this state, is hereby authorized and empowered to permit by ordinance the use of its streets and highways by the board of supervisors or highway commissioners of the county, for the purpose of constructing and maintaining thereon any highway or boulevard as part of a state or county system of roads through its incorporated limits, or any portion thereof.

Highways
in incorpo-
rated
cities.

CHAPTER 284.

An act to amend an act, entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending section 47 thereof.

[Approved March 19, 1909.]

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

SECTION 1. Section forty-seven of the above entitled act of eighteen hundred and ninety-seven is hereby amended to read as follows:

Section 47. A redemption of the property sold may be made by the owner, or any party in interest, within five years from the date of purchase, or at any time thereafter before a deed has been made and delivered. Redemption must be made in gold or silver coin, as provided for the collection of state and county taxes, and when made to the collector he must credit the amount paid to the person named in the certificate, and pay it, on demand, to the person or his assignees. In each report the collector makes to the board of directors, he must name the person entitled to redemption money, and the

Redem-
tion of
property
sold.

Duty of
county
recorder.

amount due each. On receiving the certificate of sale, the county recorder must file it and make an entry in a book similar to that required of the collector. On the presentation of the receipt of the person named in the certificate, or of the collector for his use, of the total amount of the redemption money, the recorder must mark the word "redeemed," the date, and by whom redeemed, on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within the time herein provided, the collector, or his successor in office, upon demand, must make to the purchaser, or his assignee, a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption; *provided*, that where property has been sold to the district it may be redeemed as herein provided, at any time before the district has disposed of the same. The collector shall receive from the purchaser, for the use of the district, two dollars for making such deed.

Deed to
purchaser.

Fee for
deed.

SEC. 2. This act shall take effect immediately.

CHAPTER 285.

An act making an appropriation for the pay of officers and clerks of the senate of the thirty-eighth session of the legislature.

[Approved March 19, 1909.]

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

Appropriation.

Pay of
officers of
senate.

SECTION 1. The sum of \$2,500.00 is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the pay of officers and clerks of the senate of the thirty-eighth session of the legislature.

SEC. 2. This act shall take effect immediately.

CHAPTER 286.

An act to amend an act entitled "An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act, and to provide an appropriation therefor," which became a law March 18, 1899, and as amended March 20, 1905, and as further amended March 23, 1907, by amending section one thereof as amended March 23, 1907, section two thereof as amended March 23, 1907, section four thereof, section five thereof, section six thereof, section seven thereof, and section eight thereof, and by adding a new section thereto, to be known and numbered as section seven and one half, providing for additional officers and employees and fixing salaries.

[Approved March 10, 1909.]

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

SECTION 1. Section one of an act entitled "An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act, and to provide an appropriation therefor," which became a law March 18, 1899, and as amended March 20, 1905, and as further amended March 23, 1907, is hereby amended to read as follows:

Section 1. The office of state veterinarian of the State of California is hereby created. It shall be the duty of the governor, within sixty days after the passage of this act, to appoint a skilled veterinary surgeon for the State of California to fill said office of state veterinarian, who at the date of such appointment shall be a graduate in good standing of a recognized college of veterinary surgery legally qualified to practice as such in this state, and who shall hold office for a period of four years from and after the date of qualification. The salary of said state veterinarian shall be three thousand six hundred dollars per annum, payable at the same time and in the same manner as are the salaries of other state officers. Said state veterinarian shall also be allowed his necessary expenses incurred in the discharge of his duties as hereinafter provided. In making said appointment it shall be the duty of the governor to disregard political affiliations, and to be guided in his selections merely by the professional and moral qualifications of said veterinarian for the performance of his duties.

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

Section 2. It shall be the duty of the state veterinarian, provided for in the first section of this act, to protect the health of all live stock of the state from all contagious and

State veterinarian,
creation of
office.

Salary

Duty of
state veterinarian.

infectious diseases, so far as practicable, and for the purpose he is hereby authorized and empowered, by and with the approval of the governor, to establish, maintain, and enforce such quarantine, sanitary, and other regulations as he may deem necessary as to live stock passing over any quarantine line existing, or which may be established within the state. Said state veterinarian is also hereby authorized and empowered, by and with the approval of the governor, to establish, maintain, and enforce such quarantine, sanitary, and other regulations as he may deem necessary as to live stock entering the state from other states and territories, and from foreign countries.

Assistant
veterina-
rian.

The governor is hereby authorized and empowered to appoint an assistant state veterinarian, who shall hold office for a period of four years from and after the date of his appointment, and whose salary shall be three thousand dollars per annum, said salary to be paid at the same time and in the same manner as are the salaries of other state officers. Said assistant state veterinarian shall also be allowed his necessary expenses incurred in the discharge of his duties.

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

Contag-
ions
diseases.

Section 4. Upon the discovery of any case of such contagious or infectious disease, the state veterinarian shall immediately inform the board of supervisors of the county or counties in which said disease exists, or diseased animals are located, of the existence of such disease, and of such facts and circumstances in connection therewith as will enable said board of supervisors to take prompt and proper action to prevent the spread of such disease and to eradicate the same.

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

Duty of
board of
super-
visors.

Section 5. Upon receipt of information as provided for in section four of this act, it shall be the duty of the board of supervisors to proceed immediately to eradicate or suppress said disease, to prevent its spread or introduction among healthy animals, or the infection of pastures, roads, places, or sections theretofore free from said disease and uninfected.

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

Quaran-
tine,
power to.

Section 6. Should said board of supervisors refuse or neglect for a period of five days, to take any or proper action to quarantine such cases of contagious or infectious disease so reported to them, or to suppress or eradicate the same, or prevent the spread thereof, the state veterinarian shall have the power, and it shall be his duty, to quarantine such county or counties, or such portions thereof as may be necessary, and thereafter it shall be unlawful for the owners of the live stock quarantined, their agents or employees, to move any of such live stock across the quarantine line established, or without the county or portion thereof quarantined, without first obtaining a permit from said state veterinarian, who shall before such

permit is issued, inspect and if necessary cause such live stock and vehicles of transportation to be disinfected in accordance with the instructions of said state veterinarian, or until such quarantine has been raised or discontinued by said state veterinarian.

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

Section 7. The state veterinarian shall determine, from time to time, the quarantine and other regulations necessary to prevent the spread among live stock of any malignant, contagious, or infectious disease found to exist among the live stock of this state, and when he shall have done so he shall notify the governor thereof, who, if he approve, shall issue his proclamation proclaiming the boundaries of such quarantine, and the orders, rules, and regulations prescribed for the maintenance and enforcement of such quarantine, and shall publish the same in such manner as he may deem expedient. Quarantine regulations.

SEC. 7. A new section is hereby added to said act, to be known and numbered as section seven and one-half, and to read as follows:

Section 7 $\frac{1}{2}$. The state veterinarian of the State of California is hereby authorized and empowered to appoint one deputy state veterinarian, and one clerk. The salary of the deputy state veterinarian shall be eighteen hundred dollars per annum; the salary of the clerk shall be sixteen hundred dollars per annum. Said salaries shall be paid at the same time and in the same manner as are the salaries of other state officers. The deputy state veterinarian shall be allowed such necessary expenses as may be incurred in the discharge of his duties. Appointment of deputy and clerk.

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

Section 8. Any person failing to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, and shall be liable for any damage or loss that may be sustained by any person or persons by reason of the failure of any owner or person in control of live stock to comply with the provisions of this act. Penal clause.

SEC. 9. This act shall take effect and be in force from and after its passage and approval.

CHAPTER 287.

An act to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to amend section six of an act entitled 'An act concerning the water front of the city and county of San Francisco' approved March 15, 1878, and to confer further powers upon the board of state harbor commissioners," approved March 17, 1880,' approved March 19, 1889, conferring further powers upon the said board," approved March 26, 1895,' approved March 23, 1901," approved March 18, 1905.

[Approved March 19, 1909.]

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

SECTION 1. An act to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to amend section six of an act entitled "An act concerning the water front of the city and county of San Francisco," approved March fifteenth, eighteen hundred and seventy-eight, and to confer further powers upon the board of state harbor commissioners," approved March seventeenth, eighteen hundred and eighty," approved March nineteenth, eighteen hundred and eighty-nine conferring further powers upon the said board,' approved March twenty-sixth, eighteen hundred and ninety-five," approved March twenty-third, nineteen hundred and one,' approved March eighteenth, nineteen hundred and five." is amended so as to read as follows:

Commissioners to have control of certain blocks.

Section 6. The said commissioners shall have the possession, jurisdiction, and control over the blocks and parts of blocks formed by the change of the water front and the extensions of the streets to the thoroughfare aforesaid, and remove any obstructions placed thereon in the same manner as provided for the removal of obstructions from the piers, wharves and thoroughfares. The commissioners are authorized to keep and maintain said blocks and parts of blocks as open spaces for the use of the public, or they may, in their discretion, inclose them. The commissioners are also authorized to assign the use of such portion thereof as they deem expedient for such purposes solely as will be most advantageous to the commerce of the port, and upon such terms and conditions as they may determine. All such assignments shall terminate at the pleasure of the commissioners.

May assign portions.

May lease certain seawall lots.

The commissioners are also authorized to lease such portion or portions of seawall lots, numbered one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, "a" and "b," as they may deem expedient for such pur-

poses solely as will be most advantageous to the commerce of the port; *provided*, that before the execution of any lease, notice of the letting or leasing of any of the lots hereinbefore mentioned, or parts thereof, shall be given by publication in three of the daily papers published in the city of San Francisco for at least ten days; such notice shall state the lot or portion of lot to be leased, and that bids will be received by the commissioners at a place and time designated in such notice; and that said property shall be let to the highest and best bidder; *provided further*, that all bids for lease of lots, or portions of lots, herein mentioned, shall set forth the purposes for which said lots, or the portions thereof, shall be used, and that the statement of such bid shall be embodied in the lease given by the board of state harbor commissioners with the condition that the lot shall be used for such purposes only; *provided further*, that said board shall have power to reject any and all bids; and *provided further*, that in no event shall any such lease or leases be made for a term exceeding twenty-five years; *provided, however*, that all leases made and executed within two years preceding February fifteenth, nineteen hundred and one, and on file in the office of the secretary of state, of any lands belonging to the state less than fifty acres in area, and which lease has been made to any corporation incorporated in this state, or to any person or persons, for terminal facilities, is hereby recognized, approved and ratified, and the conditions, covenants, and agreements of the parties thereto are made binding on the said parties, and on their successors and assigns, and on the State of California.

Term of
lease.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 3. This act shall take effect immediately.

CHAPTER 288.

An act to amend section 12 of an act entitled "An act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and to provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5th, 1901, relating to the imprisonment of persons convicted in police courts in cities of the first and one-half class.

[Approved March 19, 1900.]

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

SECTION 1. Section 12 of an act entitled "An act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and to provide for officers of said courts and

fix the compensation of certain officers thereof," approved March 5th, 1901, is hereby amended to read as follows:

Prisoners shall be imprisoned where.

Section 12. In all cases of the conviction in said police court of any person charged with any offense committed in the city, and the imprisonment of any person so convicted, the person so to be imprisoned or by ordinance required to labor, shall be imprisoned in the city jail, or in a branch thereof, or, if required to labor shall labor in the city, and the imprisonment in any branch-city jail shall be deemed an imprisonment in the city jail.

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

CHAPTER 289.

An act to authorize the deposit of certain newspaper files kept in recorders' offices, in free public libraries.

[Approved March 10, 1900.]

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

Deposit of newspapers in public libraries.

SECTION 1. The county boards of supervisors of the several counties may authorize the recorders of their several counties to deposit with any free public library maintained at the county seat such newspaper files, or portions thereof, as may be in the custody of such recorders by virtue of an act approved April 8, 1862, and entitled "An act for the purchase and preservation of public newspapers, printed and published in the several counties of this state," or by virtue of any other act.

Agreement required.

SEC. 2. Before making such deposit, the said board of supervisors shall obtain from the board of trustees or other authorities in charge of such free public library an agreement that they will properly preserve and care for such newspaper files, and make them accessible to the public.

CHAPTER 290.

An act to make uniform the law of warehouse receipts.

[Approved March 19, 1909.]

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

SECTION 1. Warehouse receipts may be issued by any warehouseman.

SEC. 2. Warehouse receipts need not be in any particular form, but every such receipt must embody within its written or printed terms—

What receipt must embody.

(a) The location of the warehouse where the goods are stored,

(b) The date of issue of the receipt,

(c) The consecutive number of the receipt,

(d) A statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order,

(e) The rate of storage charges,

(f) A description of the goods or of the packages containing them,

(g) The signature of the warehouseman, which may be made by his authorized agent,

(h) If the receipt is issued for goods of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership, and

(i) A statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien. If the precise amount of such advances made or of such liabilities incurred is, at the time of the issue of the receipt, unknown to the warehouseman or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient.

A warehouseman shall be liable to any person injured thereby, for all damage caused by the omission from a negotiable receipt of any of the terms herein required.

Liability for omission.

SEC. 3. A warehouseman may insert in a receipt, issued by him, any other terms and conditions, provided that such terms and conditions shall not—

Insertion of other conditions.

(a) Be contrary to the provisions of this act.

(b) In anywise impair his obligation to exercise that degree of care in the safe-keeping of the goods intrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

SEC. 4. A receipt in which it is stated that the goods received will be delivered to the depositor, or to any other specified person, is a non-negotiable receipt.

Non-negotiable receipt.

SEC. 5. A receipt in which it is stated that the goods received will be delivered to the bearer, or to the order of any

Negotiable receipt.

person named in such receipt is a negotiable receipt. No provision shall be inserted in a negotiable receipt that is non-negotiable. Such provision, if inserted, shall be void.

Duplicates shall be so marked.

SEC. 6. When more than one negotiable receipt is issued for the same goods, the word "duplicate" shall be plainly placed upon the face of every such receipt, except the one first issued. A warehouseman shall be liable for all damage caused by his failure so to do any one who purchased the subsequent receipt for value supposing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.

Non-negotiable shall be marked.

SEC. 7. A non-negotiable receipt shall have plainly placed upon its face by the warehouseman issuing it, "non-negotiable", or "not negotiable". In case of the warehouseman's failure so to do, a holder of the receipt who purchased it for value supposing it to be negotiable, may, at his option, treat such receipt as imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable.

This section shall not apply, however, to letters, memoranda, or written acknowledgments of an informal character.

Rights of holder of receipt.

SEC. 8. A warehouseman, in the absence of some lawful excuse provided by this act, is bound to deliver the goods upon a demand made either by the holder of a receipt for the goods or by the depositor, if such demand is accompanied with—

(a) An offer to satisfy the warehouseman's lien.

(b) An offer to surrender the receipt if negotiable, with such endorsements as would be necessary for the negotiation of the receipt, and

(c) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the warehouseman.

In case the warehouseman refuses or fails to deliver the goods in compliance with a demand by the holder or depositor so accompanied, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for such refusal.

When warehouseman justified in delivering goods.

SEC. 9. A warehouseman is justified in delivering the goods, subject to the provisions of the three following sections, to one who is—

(a) The person lawfully entitled to the possession of the goods, or his agent.

(b) A person who is either himself entitled to delivery by the terms of a non-negotiable receipt issued for the goods, or who has written authority from the person so entitled either indorsed upon the receipt or written upon another paper, or

(c) A person in possession of a negotiable receipt by the terms of which the goods are deliverable to him or order or to bearer, or which has been indorsed to him or in blank by the person to whom delivery was promised by the terms of the receipt or by his mediate or immediate indorsee.

When warehouseman liable.

SEC. 10. Where a warehouseman delivers the goods to one who is not in fact lawfully entitled to the possession of them, the warehouseman shall be liable as for conversion to all having a right of property or possession in the goods if he delivered

the goods otherwise than as authorized by subdivisions (b) and (c) of the preceding section and though he delivered the goods as authorized by said subdivision he shall be so liable. If prior to such delivery he had either

(a) Been requested, by or on behalf of the person lawfully entitled to a right of property or possession in the goods, not to make such delivery, or

(b) Had information that the delivery about to be made was to one not lawfully entitled to the possession of the goods.

SEC. 11. Except as provided in section 36, where warehouseman delivers goods for which he had issued a negotiable receipt, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the receipt, he shall be liable to any one who purchases for value in good faith such receipt, for failure to deliver the goods to him, whether such purchaser acquired title to the receipt before or after the delivery of the goods by the warehouseman. Same.

SEC. 12. Except as provided in section 36, where a warehouseman delivers part of the goods for which he had issued a negotiable receipt and fails either to take up and cancel such receipt, or to place plainly upon it a statement of what goods or packages have been delivered he shall be liable, to any one who purchases for value in good faith such receipt, for failure to deliver all the goods specified in the receipt, whether such purchaser acquired title to the receipt before or after the delivery of any portion of the goods by the warehouseman. Same.

SEC. 13. The alteration of a receipt shall not excuse the warehouseman who issued it from any liability if such alteration was Alteration of receipt, no excuse from liability.

(a) Immaterial,

(b) Authorized, or

(c) Made without fraudulent intent.

If the alteration was authorized, the warehouseman shall be liable according to the terms of the receipt as altered. If the alteration was unauthorized, but made without fraudulent intent, the warehouseman shall be liable according to the terms of the receipt, as they were before alteration.

Material and fraudulent alteration of a receipt shall not excuse the warehouseman who issued it from liability to deliver, according to the terms of the receipt as originally issued, the goods for which it was issued, but shall excuse him from any other liability to the person who made the alteration and to any person who took with notice of the alteration. Any purchaser of the receipt for value without notice of the alteration shall acquire the same rights against the warehouseman which such purchaser would have acquired if the receipt had not been altered at the time of the purchase. Fraudulent alteration.

SEC. 14. Where a negotiable receipt has been lost or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient sureties to be approved by the court to protect the warehouseman from any liability or expense, which he or any person injured Delivery when receipt is lost, how.

by such delivery may incur by reason of the original receipt remaining outstanding. The court may also in its discretion order the payment of the warehouseman's reasonable costs and counsel fees.

The delivery of the goods under an order of the court as provided in this section, shall not relieve the warehouseman from liabilities to a person to whom the negotiable receipt has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

Word "duplicate" is warranty.

SEC. 15. A receipt upon the face of which the word "duplicate" is plainly placed is a representation and warranty by the warehouseman that such receipt is an accurate copy of an original receipt properly issued and uncanceled at the date of the issue of the duplicate, but shall impose upon him no other liability.

Title of warehouseman.

SEC. 16. No title or right to the possession of the goods, on the part of the warehouseman, unless such title or right is derived directly or indirectly from a transfer made by the depositor at the time of or subsequent to the deposit for storage, or from the warehouseman's lien, shall excuse the warehouseman from liability for refusing to deliver the goods according to the terms of the receipt.

Claimants may interplead.

SEC. 17. If more than one person claim the title or possession of the goods, the warehouseman may, either as a defense to an action brought against him for non-delivery of the goods, or as an original suit, whichever is appropriate, require all known claimants to interplead.

Refusal to deliver, excuse from liability.

SEC. 18. If some one other than the depositor or person claiming under him has a claim to the title or possession of the goods, and the warehouseman has information of such claim, the warehouseman shall be excused from liability for refusing to deliver the goods, either to the depositor or person claiming under him or to the adverse claimant, until the warehouseman has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead. If such adverse claimant shall not bring suit and serve summons on the warehouseman within forty-eight hours after the service of notice of his adverse claim, such failure shall act as a complete abandonment of such adverse claim.

Rights of third persons.

SEC. 19. Except as provided in the two preceding sections and in sections 9 and 36, no right or title of a third person shall be a defense to an action brought by the depositor or person claiming under him against the warehouseman for failure to deliver the goods according to the terms of the receipt.

Goods must correspond with description.

SEC. 20. A warehouseman shall be liable to the holder of a receipt for damages caused by the non-existence of the goods or by the failure of the goods to correspond with the description thereof in the receipt at the time of its issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain

kind, or that packages containing the goods are said to contain goods of a certain kind, or by words of like purport, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind which the marks or labels upon them indicate, or of the kind they were said to be by the depositor.

SEC. 21. A warehouseman shall be liable for any loss or injury to the goods caused by his failure to exercise such care in regard to them as a reasonable careful owner of similar goods would exercise, but he shall not be liable, in the absence of an agreement to the contrary, for any loss or injury to the goods which could not have been avoided by the exercise of such care.

Injury to goods.

SEC. 22. Except as provided in the following section, a warehouseman shall keep the goods so far separate from goods of other depositors, and from other goods of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of the goods deposited.

Goods must be kept separate.

SEC. 23. If authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade. In such case the various depositors of the mingled goods shall own the entire mass in common, and each depositor shall be entitled to such portion thereof as the amount deposited by him bears to the whole.

Certain may be mingled.

SEC. 24. The warehouseman shall be severally liable to each depositor for the care and redelivery of his share of such mass to the same extent and under the same circumstances as if the goods had been kept separate.

Care of mingled goods.

SEC. 25. If goods are delivered to a warehouseman by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they can not thereafter, while in the possession of the warehouseman, be attached by garnishment or otherwise, or be levied upon under an execution, unless the receipt be first surrendered to the warehouseman, or its negotiation enjoined. The warehouseman shall in no case be compelled to deliver up the actual possession of the goods until the receipt is surrendered to him or impounded by the court.

Attachments, surrender of receipt.

SEC. 26. A creditor whose debtor is the owner of a negotiable receipt shall be entitled to such aid from courts of appropriate jurisdiction, by injunction or otherwise, in attaching such receipt or in satisfying the claim by means thereof as is allowed at law or in equity, in regard to property which can not readily be attached or levied upon by ordinary legal process.

Creditors' right to injunction.

SEC. 27. Subject to the provisions of section 30, a warehouseman shall have a lien on goods deposited or on the proceeds thereof in his hands, for all lawful charges for storage and preservation of the goods; also for all lawful claims for money advanced, interest, insurance, transportation, labor, weighing, cooping and other charges and expenses in relation to such goods; also for all reasonable charges and expenses

Lien for lawful charges.

for notice, and advertisements of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien.

Lien may be enforced, against what.

SEC. 28. Subject to the provisions of section 30, a warehouseman's lien may be enforced—

(a) Against all goods, whenever deposited, belonging to the person who is liable as debtor for the claims in regard to which the lien is assessed, and

(b) Against all goods belonging to others which have been deposited at any time by the person who is liable as debtor for the claims in regard to which the lien is asserted, if such person has been so entrusted with the possession of the goods that a pledge of the same by him at the time of the deposit to one who took the goods in good faith for value would have been valid.

Loss of lien, when.

SEC. 29. A warehouseman loses his lien upon goods—

(a) By surrendering possession thereof, or

(b) By refusing to deliver the goods when a demand is made with which he is bound to comply under the provisions of this act.

Charges for storage, lien for.

SEC. 30. If a negotiable receipt is issued for goods, the warehouseman shall have no lien thereon, except for charges for storage of those goods subsequent to the date of the receipt, unless the receipt expressly enumerates other charges for which a lien is claimed. In such case there shall be a lien for the charges enumerated so far as they are within the terms of section 27, although the amount of the charges so enumerated is not stated in the receipt.

Goods may be held.

SEC. 31. A warehouseman having a lien valid against the person demanding the goods may refuse to deliver the goods to him until the lien is satisfied.

Warehouseman entitled to remedy.

SEC. 32. Whether a warehouseman has or has not a lien upon the goods, he is entitled to all remedies allowed by law to a creditor against his debtor, for the collection from the depositor of all charges and advances which the depositor has expressly or impliedly contracted with the warehouseman to pay.

How lien may be satisfied.

SEC. 33. A warehouseman's lien for a claim which has become due may be satisfied as follows:

The warehouseman shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified. The notice shall contain—

(a) An itemized statement of the warehouseman's claim, showing the sum due at the time of the notice and the date or dates when it became due.

(b) A brief description of the goods against which the lien exists,

(c) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue shall be paid on or before the day mentioned, not less than ten days from the delivery of the notice if it is personally delivered,

or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail, and

(d) A statement that unless the claim is paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place.

In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least ten days before such sale in not less than six conspicuous places therein.

Sale of
goods at
auction.

From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of notice, advertisement, and sale. The balance, if any, of such proceeds shall be held by the warehouseman, and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

At any time before the goods are sold any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The warehouseman shall deliver the goods to the person making such payment if he is a person entitled, under the provisions of this act, to the possession of the goods on payment of charges thereon. Otherwise the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit.

SEC. 34. If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, leakage, inflammability, or explosive nature, will be liable to injure other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances, to satisfy the lien upon such goods, and to remove them from the warehouse, and in the event of the failure of such person to satisfy the lien and to remove the goods within the time so specified, the warehouseman may sell the goods at public or private sale without advertising. If the warehouseman after a reasonable effort is unable to sell such goods, he may dispose of them in any lawful manner, and shall incur no liability by reason thereof. The proceeds of any sale made under the terms of this

Perishable
goods.

section shall be disposed of in the same way as the proceeds of sales made under the terms of the preceding section.

Other remedies.

SEC. 35. The remedy for enforcing a lien herein provided does not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the warehouseman's claim as shall not be paid by the proceeds of the sale of the property.

Ware-house-man's liability ceases, when.

SEC. 36. After goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of because of their perishable or hazardous nature, the warehouseman shall not thereafter be liable for failure to deliver the goods to the depositor, or owner of the goods, or to a holder of the receipt given for the goods when they were deposited, even if such receipt be negotiable.

How negotiable receipt may be negotiated.

SEC. 37. A negotiable receipt may be negotiated by delivery—

(a) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the bearer, or

(b) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the receipt has indorsed it in blank or to bearer.

Where, by the terms of a negotiable receipt, the goods are deliverable to bearer or where a negotiable receipt has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the receipt shall thereafter be negotiated only by the indorsement of such indorsee.

Same.

SEC. 38. A negotiable receipt may be negotiated by the indorsement of the person to whose order the goods are, by the terms of the receipt, deliverable. Such indorsement may be in blank, to bearer or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiations may be made in like manner.

Same.

SEC. 39. A receipt which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee.

A non-negotiable receipt can not be negotiated, and the indorsement of such a receipt gives the transferee no additional right.

By whom may be negotiated.

SEC. 40. A negotiable receipt may be negotiated—

(a) By the owner thereof, or

(b) By any person to whom the possession or custody of the receipt has been entrusted by the owner, if, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of the person to whom the possession or custody of the receipt has been entrusted, or if at the time of such entrusting the receipt is in such form that it may be negotiated by delivery.

What is acquired by negotiation.

SEC. 41. A person to whom a negotiable receipt has been duly negotiated acquires thereby—

(a) Such title to the goods as the person negotiating the receipt to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of the receipt had or had ability to convey to a purchaser in good faith for value, and

(b) The direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman had contracted directly with him.

SEC. 42. A person to whom a receipt has been transferred but not negotiated, acquires thereby, as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor.

What is acquired by transfer of receipt.

If the receipt is non-negotiable such person also acquires the right to notify the warehouseman of the transfer to him of such receipt, and thereby to acquire the direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt.

Prior to the notification of the warehouseman by the transferor or transferee of a non-negotiable receipt, the title of the transferee to the goods and the right to acquire the obligation of the warehouseman may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to the warehouseman by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

SEC. 43. Where a negotiable receipt is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the receipt, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

Transferee acquires, what.

SEC. 44. A person who for value negotiates or transfers a receipt by indorsement or delivery, including one who assigns for value a claim secured by a receipt, unless a contrary intention appears, warrants—

Transferor warrants, what.

(a) That the receipt is genuine,

(b) That he has a legal right to negotiate or transfer it,

(c) That he has knowledge of no fact which would impair the validity or worth of the receipt, and

(d) That he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a receipt the goods represented thereby.

SEC. 45. The indorsement of a receipt shall not make the indorser liable for any failure on the part of the warehouseman or previous indorsers of the receipt to fulfill their respective obligations.

Liability of indorser.

SEC. 46. A mortgagee, pledgee or holder for security of a receipt who in good faith demands or receives payment of the debt for which such receipt is security, whether from a party

Mortgagee's warrant.

to a draft drawn for such debt or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such receipt or the quantity or quality of the goods therein described.

Validity of negotiation, when not impaired.

SEC. 47. The validity of the negotiation of a receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was induced by fraud, mistake, or duress to entrust the possession or custody of the receipt to such person, if the person to whom the receipt was negotiated, or a person to whom the receipt was subsequently negotiated, paid value therefor, without notice of the breach of duty, or fraud, mistake, or duress.

Subsequent negotiation.

SEC. 48. Where a person having sold, mortgaged, or pledged goods which are in a warehouse and for which a negotiable receipt has been issued, or having sold, mortgaged, or pledged the negotiable receipt representing such goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, mortgage or pledge, shall have the same effect as if the first purchaser of the goods or receipt had expressly authorized the subsequent negotiation.

Seller's lien shall not defeat rights of purchaser.

SEC. 49. Where a negotiable receipt has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the rights of any purchaser for value in good faith to whom such receipt has been negotiated, whether such negotiation be prior or subsequent to the notification to the warehouseman who issued such receipt of the seller's claim to a lien or right of stoppage in transitu. Nor shall the warehouseman be obliged to deliver or justified in delivering the goods to an unpaid seller unless the receipt is first surrendered for cancellation.

Fraudulent issue of receipt, penalty for.

SEC. 50. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a receipt knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his control at the time of issuing such receipt, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

False statements.

SEC. 51. A warehouseman, or any officer, agent, or servant of a warehouseman, who fraudulently issues or aids in fraudulently issuing a receipt for goods knowing that it contains any false statement, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Fraudulent issue of duplicate, penalty for.

SEC. 52. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a duplicate or additional negotiable receipt for goods knowing that a former negotiable receipt for the same goods or any part of them is

outstanding and uncancelled, without plainly placing upon the face thereof the word "duplicate," except in the case of a lost or destroyed receipt after proceedings as provided for in Section 14, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

SEC. 53. Where there are deposited with or hold by a warehouseman goods of which he is owner, either solely or jointly or in common with others, such warehouseman, or any of his officers, agents, or servants who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall be guilty of a crime, and upon conviction, shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

When warehouseman is owner.

SEC. 54. A warehouseman, or any officer, agent, or servant of a warehouseman who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt the negotiation of which would transfer the right to the possession of such goods is outstanding and uncancelled, without obtaining the possession of such receipt at or before the time of such delivery, shall, except in the cases provided for in sections 14 and 36, be found guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Penal clause.

SEC. 55. Any person who deposits goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Same.

SEC. 56. In any case not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall govern.

What rules of law, to govern.

SEC. 57. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Interpretation of act.

SEC. 58. (1) In this act, unless the context or subject-matter otherwise requires—

Definition of certain terms.

"Action" includes counter claim, set-off, and suit in equity.

"Delivery" means voluntary transfer of possession from one person to another.

"Fungible goods" means goods of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit.

"Goods" means chattels or merchandise in storage, or which has been or is about to be stored.

Definition
of certain
terms.

"Holder" of a receipt means a person who has both actual possession of such receipt and a right of property therein.

"Order" means an order by indorsement on the receipt.

"Owner" does not include mortgagee or pledgee.

"Person" includes a corporation or partnership or two or more persons having a joint or common interest.

To "purchase" includes to take as mortgagee or as pledgee.

"Purchaser" includes mortgagee and pledgee.

"Receipt" means a warehouse receipt.

"Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a receipt is taken either in satisfaction thereof or as security therefor.

"Warehouseman" means a person lawfully engaged in the business of storing goods for profit.

(2) A thing is done "in good faith" within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not.

Prior acts.

SEC. 59. The provisions of this act do not apply to receipts made and delivered prior to the taking effect of this act.

SEC. 60. All acts or parts of acts inconsistent with this act are hereby repealed.

Name of
act.

SEC. 61. This act may be cited as the Warehouse Receipts Act.

CHAPTER 291.

An act amending section two thousand three hundred forty-nine, of the Political Code, relating to certain streams and waters declared public ways.

[Approved March 19, 1909.]

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

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

Streams
and waters
declared
navigable.

2349. The following streams and waters are declared public ways: So much of a slough as lies between Simonds canal, in the town of Alviso, and the bay of San Francisco; Petaluma river, from its mouth to the southerly line of Washington street, in the city of Petaluma; the Sonoma river, between its mouth and a point opposite Fowler's hotel, in the town of San Luis; the Napa river, between its mouth and the toll-bridge; the Suisun river, between its mouth and the town of Suisun embarcadero; the Sacramento river, between its mouth and the mouth of Middle creek; the Feather river, between its mouth and a point fifty feet below the bridge crossing Feather river first above the mouth of the Yuba river; the

Yuba river, between its mouth and a point at the mouth of the slough at the foot of F street, in the city of Marysville; the San Joaquin river, between its mouth and Sycamore point; the Stockton slough, between its mouth and the west line of El Dorado street in Stockton; the Mokelumne river, between its mouth and the first falls; the Tuolumne river, between its mouth and Dickinson's ferry; Deer creek, between the house of Peter Lassen and its mouth; Big river, three miles from its mouth; Noyo river, three miles from its mouth; Albion river, three miles from its mouth; San Antonio creek, in the county of Alameda, from its mouth to the old embarcadero of San Antonio; the Arroyo del Medo, in the county of Santa Clara, from its mouth to the upper line of the town of New Haven; Mission creek, in the county of San Francisco; that portion of Channel street, in the city of San Francisco, lying easterly of the northeasterly line of Seventh street, the width thereof to be one hundred forty feet; that certain creek running through tide-land survey numbered sixty-eight, and swamp and overflowed land survey numbered one hundred and forty-five, from its mouth to the head of tide-water therein; San Leandro creek, from its mouth at San Francisco bay to Andrews' landing; San Lorenzo creek, from its mouth at San Francisco bay to Robert's landing; Johnson's creek, from its mouth at San Francisco bay to Simpson's landing; the north branch of Alameda creek, from its mouth to Eden landing; San Rafael and Corte Madera creeks, in Marin county, from their mouths as far up as tide-water flows therein; the Neuces creek, from its mouth at Suisun bay to a point one half miles above the warehouse of George P. Loucks; Diablo creek, from its junction with the Neuces, to a point opposite the warehouse of Frank Such, in Contra Costa county; the Arroyo de San Antonio, or Keys creek in Marin county, from its mouth at Tomales bay to the warehouses on the point at Keys embarcadero; all the streams and sloughs emptying into Elk river; and all the streams and sloughs south of Eureka, in Humboldt county, which are now or at any time have been used for the purpose of floating logs or timber, and all the sloughs south of Humboldt point, in said county, that at high water have a depth of two feet of water, and wide enough to float and admit a boat carrying five tons or more freight; Novato creek, or estuary, in Marin county from its mouth to Sweetzer's Landing; Salinas river and Elkhorn slough, or Estero Viejo, in Monterey county, from its mouth as far up as tidewater flows; First Napa creek, Second Napa creek, and Third Napa creek, in Sonoma county, between Napa and Sonoma rivers; Moro Cojo slough, in Monterey county, from Salinas river to tide-water; Gallinas, or Guyanas, slough or creek, in Marin county, from its mouth to the line of the Sonoma and Marin railroad; Clear lake, in Lake county, *provided* that nothing herein contained shall be deemed to interfere with rights of owners and claimants of swamp or overflowed land around the margin of said Clear lake to reclaim the same; Newport bay, in the county of Orange, and all arms thereof,

Streams
and waters
declared
navigable.

and sloughs connecting therewith in which the tide ebbs and flows, including the Santa Ana river from a point where said Santa Ana river empties into said bay, up to a point where said Santa Ana river is intersected by the east boundary of section nineteen, township six, south, range ten west, San Bernardino base and meridian.

CHAPTER 292.

An act to amend section four hundred and forty-four of the Political Code of the State of California, relating to transfers of money from one fund to another.

[Approved March 19, 1909.]

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

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

State gen-
eral fund
and inter-
est fund.
transfers of
money to.

444. The controller must, when either the general fund or the interest and sinking fund of the state treasury is exhausted, and there is money in some other fund not required to meet any demand which has accrued or may accrue against it, report such fact to the governor and the treasurer. If they find that the money is not needed in such other fund, the governor may order the controller to direct the transfer of such money, or any part thereof, to the general fund or to the interest and sinking fund, as the case may be. All money so transferred must be returned to the fund from which it was transferred as soon as there is sufficient money in the fund to which the transfer was made to return it. Nothing in this section warrants the transfer of any money from any fund so as to in any manner interfere with the object for which such fund was created.

CHAPTER 293.

An act to add a new section to the Penal Code of California, to be numbered four hundred and two e, making it a misdemeanor for any practitioner of veterinary medicine who fails to report to the state veterinarian certain diseases among animals.

[Approved March 19, 1900.]

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

A new section is hereby added to the Penal Code of California to be numbered 402e and to read as follows:

402e. Any practitioner of veterinary medicine in the State of California who shall, upon gaining information thereof, fail to immediately report in writing to the state veterinarian the location, description, and name and address of the owner or person in charge, if known, of any animal or animals affected with any one of the following diseases: glanders, anthrax, blackleg, hog cholera, swine plague, verminous bronchitis, sheep scab, mycotic lymphangitis, aphthous fever, or Texas fever, shall be deemed guilty of a misdemeanor.

Infectious diseases must be reported.

CHAPTER 294.

An act to amend the Political Code of the State of California by adding two new sections thereto, to be known and designated as section one thousand nine hundred and eight-seven, and section two thousand one hundred and seven, both relating to the national guard.

[Approved March 19, 1900.]

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

SECTION 1. A new section is hereby added to the Political Code of California to be known and designated as section one thousand nine hundred and eighty-seven, to read as follows:

1987. *Desertion.* If any member of the national guard absents himself for a period of three months from all drills, or parades of his company, he will be carried as a deserter, except when such absence is caused by sickness, the fact of such sickness to be established by doctor's certificate and his commanding officer will furnish a statement setting out all the facts, forwarding the same through military channels to the adjutant general, who may authorize the soldier to be dropped as a deserter.

Desertion, what constitutes.

If any member of the national guard when on duty with his company, by order of the proper authority for the suppression of insurrection, preservation of the peace, or similar duty, willfully absents himself from his command for more than twenty-four hours, he shall be carried as a deserter, and his commanding officer will take immediate steps to secure such deserter's arrest.

Deserters in time of insurrection, or disturbance of the peace, when captured, or when voluntarily surrendering themselves, will be brought before a court-martial according to the statutes of California and the rules and articles of war.

Lists of
deserters.

Lists of deserters will be published by the adjutant general, in orders, for the information of the national guard of California:

Making
good lost
time.

A deserter will make good the time lost by desertion, unless discharged by competent authority. He will be considered again in the service from the date of his apprehension or surrender; but if a deserter enlists while in desertion, such service shall not be counted as making good time lost by desertion.

Restora-
tion to
duty.

A deserter will not be restored to duty without trial except by authority competent to order his trial; such restoration, being ordered in case the desertion is admitted, does not remove the charge of desertion or relieve the soldier from any of the forfeitures attached to that offense; he must make good the time lost by desertion, refund the expenses paid for apprehension and delivery, and forfeit pay while absent. The same authority is competent to set aside a charge of desertion as having been erroneously made and his order to this effect operates to remove the charge of desertion and all stoppages and forfeitures arising therefrom.

Members of the national guard not charged with crime, discovered to be deserters from the army, navy, or marine corps, will be dropped from the rolls of the national guard of California. In such case a report will be forwarded to the adjutant general, stating all the facts connected with the case, by the proper commanding officer.

SEC. 2. A new section is hereby added to the Political Code of the State of California to be known and designated as section two thousand one hundred and seven, to read as follows:

State
armory
board, who
consti-
tutes, and
duties.

2107. State Armory Board. The adjutant general, the officer with the rank of colonel in the adjutant general's department, the inspector general, the judge advocate general, and the commanding officer of the brigade within whose command the armory or arsenal may be located, shall constitute the state armory board. Said board shall have control of all armories or arsenals built by the state, or that may come into possession of the state, or any building or buildings that may be erected, purchased or provided by any town, city, county, or city and county, for armory or arsenal purposes pursuant to any legislative act. It shall be the duty of the board, under the direction of the governor, to make and enforce regulations

for the government and control of such armories and buildings, and where appropriations have been made therefor, to advertise for and receive bids for the construction of armories, or arsenals, to enter into contract for the construction and completion thereof, to contract for and purchase the furnishings therefor, and to purchase and lease real estate for the purpose of erecting armories or arsenals thereon; *provided*, that it shall be the duty of the state engineer to furnish the plans, estimates, and specifications for all armories and arsenals, and to superintend the erection and construction of such buildings.

SEC. 3. The provisions of this act shall be in force and effect from and after its passage and approval.

CHAPTER 295.

An act to add to the Penal Code of the State of California, a new section to be numbered 587a, prohibiting unauthorized persons from manipulating, tampering or interfering with railroad appliances, and prescribing punishment for violation of such prohibition.

[Approved March 10, 1900.]

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

SECTION 1. A new section is hereby added to the Penal Code of the State of California, to be numbered 587a, and to read as follows:

587a. Every person, who, without being thereunto duly authorized by the owner, lessee, or person or corporation engaged in the operation of any railroad, shall manipulate or in anywise tamper or interfere with any air brake or other device, appliance or apparatus in or upon any car or locomotive upon such railroad, and used or provided for use in the operation of such car or locomotive, or of any train upon such railroad, or with any switch, signal or other appliance or apparatus used or provided for use in the operation of such railroad, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding three months, or by both such fine and imprisonment.

Tampering
with air
brakes, etc.

Penalty.

SEC. 2. This act shall take effect immediately.

CHAPTER 296.

An act to amend section five hundred fifteen of the Political Code and to provide for the appointment of a statistician, a bookkeeper, and a clerk and stenographer, for the superintendent of public instruction and to fix their compensation.

[Approved March 19, 1909.]

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

SECTION 1. Section five hundred and fifteen of the Political Code is hereby amended so as to read as follows:

Assistants
to superin-
tendents of
public in-
struction,
and
salaries.

515. The superintendent of public instruction may appoint a statistician, a bookkeeper, and a clerk and stenographer, all of whom shall be civil executive officers. The annual salary of the statistician is twenty-four hundred dollars. The annual salary of the bookkeeper is sixteen hundred dollars. The annual salary of the clerk and stenographer is sixteen hundred dollars. Said salaries shall be payable in the same manner as salaries of other state officers are paid.

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

CHAPTER 297.

An act to amend an act entitled "An act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this act," approved March 20, 1905, amended, approved June 13, 1906; amended, approved March 19, 1907; amended, approved March 20, 1907, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said act may pay the same and be restored to their former rights.

[Approved March 19, 1909.]

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

License
tax upon
corpora-
tions, act
amended.

SECTION 1. Section six of an act entitled "An act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this act," approved March 20, 1905, amended, approved June 13, 1906, amended, approved March 19, 1907, amended, approved March 20, 1907, is hereby amended so as to read as follows:

Section 6. Any corporation which failed to pay the license tax and penalty required by the act, or any amendment thereof, and of which this is amendatory, may pay all the said license taxes and penalties prescribed by section one of said act and the amendments thereto, and the license taxes and penalties that would have accrued if such corporation had not forfeited its charter or right to do business and any such corporation making such payment shall be relieved from the forfeiture prescribed by the act of which this act is amendatory, and all persons exercising the powers of any such corporation making such payment shall be relieved from the provisions of section nine of said act of which this act is amendatory, and the secretary of state shall immediately after the first day of December, 1909, transmit to the county clerk of each county in this state a list of the corporations so paying pursuant to the provisions of this section, which list shall be by said county clerk filed in his office; *provided*, the rehabilitation of a corporation under the provisions of this act shall be without prejudice to any action, defense or right which accrued by reason of the original forfeiture; *and provided*, that in case the name of any corporation which has suffered the forfeiture prescribed by the act of which this act is amendatory, or a name so closely resembling the name of such corporation as will tend to deceive, has been adopted by any other corporation since the date of said forfeiture then said corporation having suffered said forfeiture shall be relieved therefrom pursuant to the terms of this section of this act only upon the adoption by said corporation seeking revivor of a new name, and in such case nothing in this act contained shall be construed as permitting such corporation to be revived or carry on any business under its former name; and such corporation shall have the right to use its former name or take such new name only upon filing an application therefor with the secretary of state and upon the issuing of a certification to such corporation by the secretary of state setting forth the right of such corporation to take such new name or use its former name as the case may be; *provided, however*, that the secretary of state shall not issue any certificate permitting any corporation to take or use the name of any corporation heretofore organized in this state and which has not suffered the forfeiture prescribed by the act of which this act is amendatory or to make or use a name so closely resembling the name of such corporation heretofore organized in this state, as will tend to deceive. The provisions of title nine, part three of the Code of Civil Procedure in so far as they conflict with this section of this act are not applicable to corporations seeking revivor under this act.

Revival of corporations which failed to pay tax.

List to be sent to county clerks.

When new name required.

Right to use former name.

SEC. 2. This act shall take effect immediately.

CHAPTER 298.

An act to amend the Political Code of the State of California by adding thereto a new section to be known as section 3785a, relating to deeds to the state under sales made to the state prior to March 28, 1895, for delinquent state and county taxes, and authorizing certain persons to represent the state in the giving of notices, and relating to the redemption of such property and also to the resale thereof.

[Approved March 19, 1909.]

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

SECTION 1. A new section is hereby added to the Political Code to be known as section 3785a, and to read as follows:

3785a. For the purpose of enabling the State of California to secure proper and valid deeds to any and all real property which was assessed and sold to the state prior to March 28, 1895, for delinquent state and county taxes, and where no redemption of said real property has since been made, the tax collector of a county or city and county in which any such real property is situated is hereby designated, appointed and selected to represent the State of California for the purposes herein mentioned, and the said tax collector is also authorized and empowered to appoint some competent person who is a citizen of the United States and over the age of eighteen years to act in his place and stead, who shall when appointed have full power to represent the State of California for the purposes herein mentioned. The said tax collector, or the person appointed by him, is authorized and empowered on behalf of the state, and as its agent, upon the written authorization of the state controller to any tax collector, to serve any and all notices upon the owner and owners of any and all property purchased and which was sold to the state prior to March 28, 1895, for delinquent state and county taxes, and upon any and all other persons as may be necessary, and to post and publish any and all notices, and make any and all affidavits, and do any and all acts and things of whatsoever kind and nature, which may be necessary, or which were required or necessary to be done under the laws in force at the time of the sale of said real property for delinquent taxes, so that the state may receive a proper and valid deed to such real property. All such notices shall be given in the name of the State of California (the purchaser) and the name of the State of California, by such agent, shall be signed thereto; and the said tax collector, or the person selected and appointed by him, is empowered and authorized to do any and all acts and things as fully to all intents and purposes as any purchaser at any such sale might or could do. The owner of any such property shall have the same rights to redeem, and all other rights, as he had at the time said sale

Tax collector to represent the state.

Authority to serve notices.

Owner's right of redemption.

was made, and shall also have the right to redeem at any time until the state shall have disposed of said property, in the manner now provided by law.

The said person so serving any notice as above referred to, shall be entitled to receive the sum of three dollars for the service of said notice and the making of said affidavit, which is hereby made a charge against the county wherein the said real property is situated, and also a reasonable amount for costs of publication, when necessary, which shall be a county charge and shall be paid by the said county to such person, and which said sums shall be paid by the redemptioner, if redemption be made, as provided by the law in force at the time said sale was made. If redemption be made by the owner of said land the amount of such costs of service of said notice, and of publication when necessary, shall belong to such county and be retained by it; and, likewise, if said property be sold by the state as now provided by law the said county shall retain the said sums so advanced and paid by it.

Compensation for serving notices.

When an application shall be made to the tax collector for the purchase of property under the provisions of section 3897 of the Political Code, the said sum of three dollars, and when notice is given by publication as required by the law in force at the time the property was sold for delinquent taxes, the cost of such publication, shall be added to the amount of deposit under said section which the applicant is required to make in order to secure advertising costs, and shall be a charge against the property, and no redemption of such property, after the deed to the state has been filed with the controller as provided in section three thousand seven hundred and eighty-five of this code and before said sale may be had without payment of such costs of service and of publication and also of advertising as provided by said section three thousand eight hundred and ninety-seven of this code.

Application to purchase, costs accruing to.

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

CHAPTER 299.

An act to amend an act entitled "An act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this act," as approved March 20, 1905, as amended, approved June 13, 1906, as amended, approved March 19, 1907, as amended, approved March 20, 1907, by amending section 2 thereof, adding a new section to be numbered 2a, and repealing section 10b of said act.

[Approved March 19, 1909.]

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

License
tax upon
corpora-
tions.

SECTION 1. Section two of an act to amend an act entitled "An act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this act," as approved March 20, 1905, as amended, approved June 13, 1906, as amended, approved March 19, 1907, as amended, approved March 20, 1907, by amending section 2 thereof, added a new section to be numbered 2a, and repealing section 10b of said act is hereby amended to read as follows:

License, of
whom
procured.

Section 2. It shall be the duty of every corporation incorporated under the laws of this state, and of every foreign corporation now doing business, or which shall hereafter engage in business in this state, to procure annually from the secretary of state a license authorizing the transaction of such business in this state, and shall pay therefor a license tax as follows:

Amount of
license
tax.

When the authorized capital stock of the corporation does not exceed ten thousand dollars (\$10,000) the tax shall be ten dollars (\$10.00); when the authorized capital stock exceeds ten thousand dollars (\$10,000) but does not exceed twenty thousand dollars (\$20,000) the tax shall be fifteen dollars (\$15.00); when the authorized capital stock exceeds twenty thousand dollars (\$20,000) but does not exceed fifty thousand dollars (\$50,000) the tax shall be twenty dollars (\$20.00); when the authorized capital stock exceeds fifty thousand dollars (\$50,000) but does not exceed one hundred thousand dollars (\$100,000) the tax shall be twenty-five dollars (\$25.00); when the authorized capital stock exceeds one hundred thousand dollars (\$100,000) but does not exceed two hundred and fifty thousand dollars (\$250,000) the tax shall be fifty dollars (\$50.00); when the authorized capital stock exceeds two hundred and fifty thousand dollars (\$250,000) but does not exceed five hundred thousand dollars (\$500,000) the tax shall be seventy-five dollars (\$75.00); when the authorized capital stock exceeds five hundred thousand dollars (\$500,000) but does not exceed two million

dollars (\$2,000,000) the tax shall be one hundred dollars (\$100.00); when the authorized capital stock exceeds two million dollars (\$2,000,000) but does not exceed five million dollars (\$5,000,000) the tax shall be two hundred dollars (\$200.00); when the authorized capital stock exceeds five million dollars (\$5,000,000) the tax shall be two hundred and fifty dollars (\$250.00).

Said license tax or fee shall be due and payable on the first day of July of each and every year to the secretary of state, who shall pay the same into the state treasury. If not paid on or before the hour of four o'clock P. M. of the first day of September next thereafter, the same shall become delinquent and there shall be added thereto, as a penalty for such delinquency, the sum of ten dollars.

When tax is payable.

The license tax or fee hereby provided authorizes the corporation to transact its business during the year or for any fractional part of such year in which such license tax or fee is paid. "Year," within the meaning of this act, means from and including the first day of July to and including the thirtieth day of June next thereafter.

"Year" defined.

SEC. 2. A new section is hereby added to said act, to be numbered section 2a, to read as follows:

Section 2a. At the time of filing a certified copy of articles of incorporation of any corporation when filed on or between the first day of July and the thirtieth day of September, in any year, there shall be paid, in addition to all other fees required by law to be paid to the secretary of state, the full amount of the license tax provided to be paid in section two of this act; when filed on or between the first day of October and the thirty-first day of December, in any year, a sum equal to three-fourths of the license tax provided for in section two of this act shall be paid; when filed on or between the first day of January and the thirty-first day of March, in any year, a sum equal to one-half of such license tax provided for in section two of this act shall be paid, and when filed on or between the first day of April and the thirtieth day of June, in any year, a sum equal to one-fourth of such license tax provided for in section two of this act shall be paid. Upon receipt of such full or fractional license tax the secretary of state shall issue a license receipt for the full or for the fractional part of the then current fiscal year.

New corporations, when must pay.

SEC. 3. Section 10b of said act is hereby repealed.

Section repealed.

SEC. 4. This act shall take effect July first, nineteen hundred and nine.

CHAPTER 300.

An act to amend section four thousand and seven of the Political Code of the State of California, relating to the classification of counties.

[Approved March 19, 1909.]

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

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

Classifica-
tion of
counties.

4007. Whenever a new federal census is taken, the counties are not by operation of law reclassified under such census, but shall remain in the old classification until reclassified by the legislature.

CHAPTER 301.

An act to amend section 1882 of the Political Code, relative to the contents of notices of election for issuance of school bonds.

[Approved March 19, 1909.]

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

SECTION 1. Section 1882 of the Political Code is hereby amended to read as follows:

What no-
tice shall
contain.

1882. Such notice shall contain:

1. Time and place of holding such election.
2. The names of the officers of election appointed to conduct the same.
3. The hours during the day in which the polls will be open.
4. A statement of the purpose for which the election is held.
5. The amount and denomination of the proposed bonds, the rate of interest and the number of years, not exceeding forty, the whole or any part of said bonds are to run.

CHAPTER 302.

An act to amend section 1881 of the Political Code, relative to giving notice of election for issuance of school bonds.

[Approved March 19, 1900.]

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

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

1881. Notice of such election shall be given by posting notices, signed by the board, or by a majority thereof, in three public places in the district, not less than twenty days before the election; and by publishing such notice not less than once a week for three successive weeks before the election in a newspaper published in the county, if any newspaper is published therein.

Notice of election, how given.

CHAPTER 303.

An act to amend an act, entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending section 35 thereof.

[Approved March 19, 1900.]

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

SECTION 1. Section thirty-five of the above entitled act of eighteen hundred and ninety-seven is hereby amended to read as follows:

Section 35. The assessor must, between the first Monday in March and the first Monday in June, in each year, assess all real estate in the district, to the persons who own, claim or have possession or control thereof, at its full cash value, as follows: He must prepare an assessment book, with appropriate headings, in which must be listed all such property within the district, in which must be specified, in separate columns, under the appropriate head; (1) the name of the person to whom the property is assessed. If the name is not known to the assessor, the property shall be assessed to "unknown owners;" (2) land by township, range, section or fractional section, and when such land is not a congressional division or subdivision, by metes and

Duty of assessor.

Improvements exempt.

"Improvements" defined.

bounds, or other description sufficient to identify it, giving an estimate of the number of acres and locality; (3) city and town lots, naming the city or town, and the number and block, according to the system of numbering in such city or town; (4) the cash value of real estate, other than city or town lots; (5) the cash value of city and town lots; (6) the total value of all property assessed; (7) the total value of all property after equalization by the board of directors; (8) such other things as the board of directors may require. Improvements on any lands or town lots within such district, shall be exempt from taxation for any of the purposes mentioned in this act. Any property which may have escaped the payment of any assessment for any year, shall, in addition to the assessment for the then current year, be assessed for such year with the same effect and with the same penalties as are provided for in such current year. (The term improvements as used in this section includes trees, vines, alfalfa and all growing crops and all buildings and structures of whatever class, or description erected or being erected upon said lands or city or town lots.) *Provided* that the provisions of this section relating to the exemption of improvements on any lands or town lots situated within the district shall be exempt from taxation, shall not apply in any district now organized unless said provision shall be approved by a vote of a majority of the resident holders of title to lands situated within the district and subject to taxation therein at a special election called for the purpose of making said provision herein applicable.

CHAPTER 304.

An act to amend section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

[Approved March 19, 1909.]

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

SECTION 1. Section 4246 of the Political Code of the State of California is hereby amended to read as follows:

Salaries in counties of seventeenth class (Santa Barbara).

4246. In counties of the seventeenth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk the following deputies

who shall be appointed by the county clerk and shall be paid salaries as follows: One chief deputy clerk, at a salary of one hundred dollars per month; one courtroom clerk, at a salary of one hundred dollars per month. In each year in which a new and complete registration of voters is required by law, said county clerk shall receive such additional amount as shall be deemed necessary by the board of supervisors for extra help in the office during such work, and also receive an additional sum of seven and one half cents per name for taking the affidavits of registration outside of the office by deputy registration clerks, the claims for which shall be presented to and allowed by the board of supervisors as other claims are presented and allowed. The salaries of the chief deputy and courtroom clerk herein provided for, shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

Salaries in
counties of
seven-
teenth
class
(Santa
Barbara).

2. The sheriff, six thousand dollars per annum.

3. The recorder, twenty-eight hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a deputy, who shall be appointed by the said recorder, and who shall be paid the following salary, to wit: Ninety dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the recorder is paid.

4. The auditor, twenty-two hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the county auditor one deputy, who shall be appointed by the county auditor and paid a salary of ninety dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county auditor is paid.

5. The treasurer, one thousand five hundred dollars per annum.

6. The tax collector, two thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the tax collector one deputy, for a period of six months during each fiscal year who shall be appointed by said tax collector and be paid a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid.

7. The assessor, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor two deputies, one for a period of six months during each fiscal year and one for a period of four months during each fiscal year, who shall be appointed by said assessor, and be paid a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid.

8. The district attorney, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the district attorney a deputy, who shall be appointed by said district attorney, and who shall be paid the following salary, to wit: Fifty dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid.

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

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

11. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The county surveyor shall receive fifteen hundred dollars per annum and necessary costs of transportation to and from, and necessary expenses in the field while engaged on public work; *provided*, that whenever said surveyor is directed by the assessor to plat, trace, or otherwise prepare maps, plats, or block-books for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.

Justices of
the peace.

13. Justices of peace, such fees as are now or may be hereafter allowed by law; *provided*, that in townships having a population of over six thousand, as shown by the United States census of nineteen hundred, in lieu of fees in criminal cases, and in full compensation for all services rendered in criminal cases, justices of the peace shall receive a salary of ninety dollars per month, payable at the same time and in the same manner as the salary of other county officers.

Constables.

14. Constables, such fees as are now or may be hereafter allowed by law; *provided*, that in townships having a population of over six thousand, as shown by the United States census of nineteen hundred, in lieu of fees in criminal cases and in full compensation of all services rendered in criminal cases, constables shall receive a salary of seventy-five dollars per month, payable at the same time and in the same manner as salaries of other county officers; *provided further*, that in addition to the monthly salary herein allowed, constables of townships of over six thousand inhabitants shall also be allowed all necessary expense actually incurred outside of their townships, in pursuing and conveying prisoners to court or to prison, and said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury.

Super-
visors.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat; and as road commissioner, four dollars per day, not to exceed two hundred dollars per annum in the aggregate.

CHAPTER 305.

An act to amend section 1577 of the Code of Civil Procedure, relating to the sale of property of an estate, and to add a new section to said Code of Civil Procedure to be numbered 1580 providing for a procedure for the sale of property belonging to an estate.

[Approved March 19, 1909.]

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

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

1577. Whenever, in any estate now being administered, or that may hereafter be administered, it shall appear to the superior court, or a judge thereof, to be for the advantage of the estate to raise money upon a note or notes to be secured by a mortgage of the real property of any decedent, or of a minor, or an incompetent person, or any part thereof, or to make a lease of said realty, or any part thereof, or to agree to sell a claim, or mining claims, or real property worked as a mine, the court or judge, as often as occasion therefor shall arise in the administration of any estate, may on a petition, notice, and hearing as provided in this article, authorize, empower and direct the executor or administrator, or guardian of such minor or incompetent person, to mortgage such real estate, or any part thereof, and to execute a note or notes to be secured by such mortgage, or to lease such real estate, or any part thereof, or to enter into an agreement to sell such real estate, or any part thereof.

When necessary to raise money upon note, procedure.

SEC. 2. A new section to be numbered 1580 is hereby added to the Code of Civil Procedure of the State of California, to read as follows:

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

Sale of mining property, order for, how to obtain.

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

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

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

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

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

Order to
show
cause.

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

Service of
order.

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

Hearing.

Fourth. At the time and place appointed to show cause, or at such other time and place to which the hearing may be postponed the power to make all needful postponements being hereby vested in the court or jury, the court or judge having first received satisfactory proof of personal service or publication of the order to show cause, must proceed to hear the petition, and any objections that may have been filed or presented thereto. If, after a full hearing, the court or judge is satisfied that it will be for the advantage of the estate to enter into the proposed agreement for the sale of the mines or real estate, an order must be made authorizing, empowering and directing the executor, administrator or the guardian to make such agreement. The order may prescribe the terms and conditions of such agreement.

Copy of
order to be
recorded.

Fifth. After the making of the order to enter into said agreement, the executor, administrator or guardian of a minor or of an incompetent person shall execute, acknowledge and deliver an agreement containing the condition specified in the order, setting forth in the agreement that it is made by authority of the order, and giving the date of such order. A certified copy of the order shall be recorded in the office of the county recorder of every county in which the land affected by the agreement or any portion thereof is situated.

CHAPTER 306.

An act to amend section 594 of the Civil Code, relating to the formation of corporations for purposes other than profit.

[Approved March 19, 1909.]

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

SECTION 1. Section 594 of the Civil Code is hereby amended to read as follows:

594. In addition to the requirements of section two hundred and ninety, the articles of incorporation of any association mentioned in the preceding section must set forth the holding of the election for directors in accordance with a resolution adopted at the last prior regular meeting, the time and place where the same was held, and that notice of such meeting was given to the members of said association; that a majority of the members of such association who were present voted at such election, and the result thereof; which facts must be verified by the officers conducting the election.

What articles of incorporation must show.

CHAPTER 307.

An act to amend section one thousand and ninety-seven of the Political Code of the State of California, relative to the registration of voters.

[Approved March 19, 1909.]

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

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

1097. No person's name must be entered by the clerk unless:

Duty of county clerk.

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 time and place of his naturalization, together with his affidavit that he has resided in the United States for five years, and in this state for one year next

preceding the time of application, and that he would be an elector of the 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, his name must not be entered by the clerk unless he produces a certificate of such registration, issued by the party authorized by law to issue such certificate, which certificate shall be prima facie evidence of his naturalization. In the event that such naturalized citizen 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, he shall not be required to produce his certificate of naturalization, nor to make such affidavit of lost certificate in lieu thereof.*

3. If born in a foreign country, upon his affidavit that he became a citizen of the United States by virtue of the naturalization of his father while he was residing in the United States, and under the age of twenty-one years, and that he is or would be an elector of the county at the next ensuing election.

Absentee
elector,
how may
register.

4. In all other cases, upon the affidavit of the party that he is or will be an elector of the county at the next succeeding election. Such affidavit must be made before the county clerk or officer charged with the registration of voters, or their deputy. If any elector is absent from the county in which he claims residence, he may appear before any judge or clerk or 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 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 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 section one thousand and ninety-six 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 city and county. Upon receipt of such affidavit by such clerk or registrar of voters within the time allowed by law for registration, it shall entitle the name of such elector to be entered by the clerk in the proper register in such precinct.

5. In every case the affidavit of the party must show all the facts required to be stated in the entry on the register, except the date of the entry.

CHAPTER 308.

An act to amend section 2319 of the Political Code of the State of California, relating to the office of the state commissioner of horticulture, the powers and duties of said commissioner and the salaries, duties and qualifications of his appointees.

[Approved March 10, 1909.]

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

SECTION 1. Section 2319 of the Political Code of the State of California is hereby amended to read as follows:

2319. The state commissioner of horticulture of California shall be a citizen and resident of this state, and the term of his office shall be for four years, and until a successor is appointed and qualified. The governor may remove such commissioner from office at any time upon filing with the secretary of state a certificate of removal signed by the governor. In case of a vacancy in said office by death, resignation, removal from office, or other cause, the governor shall fill the vacancy for the unexpired term. In appointing such commissioner and his successor or successors, it shall be the duty of the governor to disregard political affiliations, and to be guided in his selection entirely by the professional and moral qualifications of the person so selected for the performance of the duties of said office. Said commissioner shall be a civil executive officer. The salary of said commissioner shall be two hundred and fifty dollars per month and he shall be allowed his traveling and incidental expenses necessary in the discharge of his duties. Such commissioner may appoint a secretary, who shall be a civil executive officer. Said secretary shall be versed in horticulture and entomology, and shall compile such bulletins and such publications as may issue from said commission from time to time, and shall perform all other duties as may be required of him by such commissioner. Said commissioner may also appoint a clerk. Such secretary shall receive a salary of twenty-one hundred dollars per annum, and such clerk shall receive a salary of fifteen hundred dollars per annum. The office of said commissioner shall be kept open every day except holidays, and shall be in charge of the secretary during the absence of such commissioner. The main office of such commissioner shall be at the city of Sacramento. The secretary of state shall furnish and set aside in the capitol a room or rooms suitable for offices for said commissioner, and if the secretary of state shall make and file an affidavit with the said commissioner stating that it is not possible for him, as such secretary of state, to provide and set aside an office for said commissioner in the capitol or in any state building under his control, because there is no such office room or rooms available, then, and after the making and delivery of such affidavit to such

State commissioner, appointment and term of office.

Salary.

Secretary and clerk.

Salaries of assistants.

Main office.

commissioner, the said commissioner may rent rooms convenient and suitable for his offices at a rental not to exceed five hundred dollars per year. Said commissioner may also keep and maintain an office in the city and county of San Francisco at a yearly rental not to exceed the sum of five hundred dollars, and shall appoint a deputy commissioner who shall be an expert entomologist and horticulturist, to have charge of said office under said commissioner, and to perform any and all duties which said commissioner may require of him under this chapter. The compensation of such deputy is hereby fixed at two hundred dollars per month. Such deputy shall hold this position during the pleasure of such commissioner, and may be removed from his office or position at any time by said commissioner filing with the secretary of state a certificate signed by said commissioner so removing such deputy. Said commissioner may also appoint an inspector for the San Francisco office, who shall perform such duties as shall be required of them by said commissioner. The salary of such inspector shall be one hundred and fifty dollars per month. Said commissioner shall also properly maintain and operate the state insectary located on the state capitol grounds in Sacramento from funds appropriated by the legislature for such purpose, and shall appoint a superintendent of the insectary, who shall be an expert entomologist able to perform all the necessary duties with reference to the importation, rearing and distribution of beneficial insects. The salary of the superintendent of insectary shall be twenty-four hundred dollars per annum. Said commissioner may also appoint an assistant superintendent of the insectary at a salary of eighteen hundred dollars per annum.

Deputy commissioner.

Salary of.

Inspector.

State insectary, superintendent of.

The salaries of all the officers above mentioned shall be paid at the same time and in the same manner as the salaries of other state officers.

Temporary deputies.

Said commissioner may also appoint, by and with the approval of the governor, such temporary deputies from time to time as may be required for quarantine purposes under this chapter, and such temporary deputies shall receive such compensation per diem as may be specified in the writing so approving such appointment.

Sec. 2. This act shall take effect immediately.

CHAPTER 309.

An act to amend section 2302 of the Political Code, relating to the salary of the state librarian.

[Approved March 19, 1909.]

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

SECTION 1. Section 2302 of the Political Code is hereby amended to read as follows:

2302. The annual salary of the librarian is thirty-six hundred dollars. Salary of
state
librarian.

SEC. 2. This act shall take effect immediately.

CHAPTER 310.

An act to amend section 1584 of the Penal Code of the State of California relating to moneys received or collected by the wardens of San Quentin prison and of Folsom prison and the disposition thereof.

[Approved March 19, 1909.]

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

SECTION 1. Section 1584 of the Penal Code of the State of California relating to the moneys received or collected by the wardens of San Quentin prison and of Folsom prison and the disposition thereof, is hereby amended to read as follows:

1584. All moneys received or collected by the warden of San Quentin prison shall be reported to the state controller on the first day of each and every month in such form as the controller may require, and at the same time shall be paid into the general fund of the state treasury on the order of the controller, except so much thereof as shall be necessary to be paid into the jute revolving fund as required by the provisions of an act of the legislature approved March ninth, one thousand eight hundred and eighty-five, and amended March sixteenth, one thousand eight hundred and eighty-nine, and of any other act amendatory thereto or supplementary thereto, and also except so much thereof as shall be received by the warden of said San Quentin prison from the officers and employees thereof in payment for supplies purchased and for commissaries furnished to them by the said San Quentin prison which shall be paid by the warden of said San Quentin prison into the state treasury Disposi-
tion of
moneys
collected
by
wardens.

Money
allowed
discharged
prisoners.

to the credit of the appropriation for the support of said San Quentin prison. All moneys received or collected by the warden of Folsom prison shall be reported to the state controller on the first day of each and every month in such form as the controller may require and at the same time shall be paid into the state treasury to the credit of the Folsom state prison fund, excepting so much thereof as may be necessary to pay the expenses and money allowed discharged prisoners under the provisions of this title. The wardens shall require vouchers for all moneys by them expended and safely keep the same on file in their respective offices at the prisons. For all sums of money required to be paid other than for the uses above named, as well as for said uses when there is not sufficient money in the hands of the warden, drafts shall be drawn on the controller of the state, signed by at least three of the directors, and the controller of state shall draw his warrant on the state treasurer who shall pay the same out of any moneys belonging to the state prison fund or appropriated for the use or support of the state prisons. The amount of all money retained by the wardens and the aggregate amount paid out shall be reported quarterly to the controller of state and the proper entries shall be made on the controller's books.

CHAPTER 311.

An act to amend the Political Code by adding thereto two new articles to be designated and numbered article XIV of chapter III of title III of part III of said code, to consist of sections numbered 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750 and 1751, and article XV of said chapter, to consist of sections numbered 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762 and 1763, and to repeal sections 1669, 1670, 1671, 1671a and 1681 of said code, all relating to high schools, and to repeal an act entitled "An act to provide for the change of name of high school districts and union high school districts and the manner of making such change" approved March 23, 1907, and an act entitled "An act relating to the meeting place of high school boards within municipal corporations" which became a law without the governor's signature, March 15, 1901, and an act entitled "An act creating a fund for the benefit and support of high schools and providing for its distribution," and repealing an act entitled "An act creating a fund for the benefit and support of high schools and providing for its distribution," approved March 2, 1903, approved March 6, 1905, and all acts amendatory thereof.

[Approved March 19, 1909.]

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

SECTION 1. A new article is hereby added to the Political Code, to be numbered article XIV of chapter III of title III of part III of said code and to read as follows:

ARTICLE XIV.

ESTABLISHMENT AND GOVERNMENT OF HIGH SCHOOLS AND HIGH SCHOOL DISTRICTS. High schools.

- Section 1720. Secondary schools provided for.
 1721. Kinds of high school districts.
 1722. Qualifications of heads of families.
 1723. Jurisdiction over high school districts.
 1724. Validation of high school districts.
 1725. Formation of high school districts in cities, etc.
 1726. Organization of high school boards in cities, etc.
 1727. Formation of union high school districts.
 1728. Formation of joint union high school districts.
 1729. Union of high school districts.
 1730. Organization of high schools boards in union and joint union high school districts.
 1731. Same.
 1732. Reorganization of high school board on change in number of districts.
 1733. Change in boundaries of school districts.
 1734. Annexation and exclusion of school districts.

- Section 1735. Lapsing of high school districts.
 1736. Disincorporation of high school districts.
 1737. Change of name of high school districts.
 1738. Establishment of county high schools.
 1739. Trustees of county high schools.
 1740. Meetings of high school boards.
 1741. Powers of high school board.
 1742. Location of high school.
 1743. Principals of high schools; report of.
 1744. Report of superintendent of schools on high schools.
 1745. Issuance of bonds of high school districts.
 1746. Same.
 1747. Taxation for bonds.
 1748. Cancellation of bonds.
 1749. Issuance of bonds for county high schools.
 1750. Course of study.
 1751. Admission of pupils to high schools.

Secondary schools, how designated.

1720. The secondary schools of the state shall be known and designated as high schools and technical schools. High schools may be established and high school districts formed and organized, in accordance with the provisions of this article. Whenever any high school district is so formed and organized the governing body thereof shall establish and maintain one or more high schools therein.

High school districts.

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

Petitions, who competent to sign.

1722. Whenever by the provisions of this article the signatures of heads of families are required to any petition, any person who at the time of signing such petition is the parent or guardian of one of more children under seventeen years of age and entitled to their custody, shall be a competent signer thereof, whether such person is enrolled as such on the last preceding school census or not, but the superintendent of schools with whom such petition is filed may require proof under oath that any person not enrolled on the last preceding school census as such is the head of a family. Said census shall be sufficient evidence of the qualifications of any person who is enrolled thereon as the head of a family. The superintendent of schools who is required to verify any such petition may, if any of the signers thereof reside outside of his county, require the superintendent of schools of the county in which such signers reside to certify to him a copy of so much of the last school census of such other county as is necessary for that purpose.

1723. For the purposes of this article and of article XV of this chapter every county superintendent of schools shall have jurisdiction over all high school districts which are wholly situated in his county; and in case of a high school district situated in more than one county, the superintendent of schools of the county in which the high school is located, if such district is existing at the time this section takes effect, or the county superintendent of schools in whose office the original petition for the formation of such district is filed, if such district shall be hereafter formed or organized, shall have jurisdiction over such high school district.

Jurisdiction,
vested in
whom.

1724. All proceedings for the formation and organization of high school districts and the establishment of county, city, city and county, union, joint union and district high schools, had prior to the taking effect of this section, are hereby validated and declared legal, and said high school districts and high schools, and any other high school districts which have been acting as such for more than one year previous to the taking effect of this section, are hereby declared to be legally formed, organized and established; and in all cases where high school districts shall hereafter be formed, organized and established, the certificate of the county superintendent mentioned in sections seventeen hundred twenty-five, seventeen hundred twenty-seven, seventeen hundred twenty-eight and seventeen hundred twenty-nine, when filed with the county clerk, when the result of the election as therein declared is in favor of the formation of a high school district, shall after the expiration of one year from the date of such filing be conclusive evidence that such high school district has been legally formed.

Prior
organiza-
tions vali-
dated.

1725. Whenever a majority of the heads of families, according to the number of heads of families shown by the last preceding school census, residing in any incorporated city or town or school district, having by the last preceding school census two hundred or more census children, shall unite in a petition for the formation of a high school district therein under a name to be specified in the petition, they shall present the same to the superintendent of schools, of the county, or in case of a joint school district to the superintendent of schools of the county in which the greater number of census children of such district reside, according to the last preceding school census.

Formation
of high
school dis-
trict, peti-
tion for.

Within twenty days after receiving said petition the superintendent of schools shall verify the signatures to such petition, and if he finds them sufficient shall call an election in such incorporated city or town, including any territory annexed thereto under the provisions of section fifteen hundred seventy-six, or in such school district, for the determination of the question, and shall appoint three qualified electors thereof to conduct said election. Said election shall be called by posting notices thereof in three public places in said incorporated city or town, or school district, at least two weeks before the election, and by publishing such notice at least once a week for two

Election,
call for.

successive weeks in a newspaper of general circulation published therein at least as often as once a week, if there be such a newspaper, the first publication to be not less than two weeks before the election. Said election shall be conducted in the manner prescribed for conducting elections of school trustees. The ballots used at such election shall contain the words "High School District—Yes" and "High School District—No" and electors voting at such election shall make a cross with pencil ink, or rubber stamp, after the answer they desire to give. It shall be the duty of said election officers to canvass the vote at such election as soon as the polls are closed, and to report the result of said election to the superintendent of schools within five days subsequent to the holding thereof. Within ten days after receiving the returns of said election the superintendent of schools shall record the result thereof in a book kept by him for that purpose, and if the majority of the votes cast at the election are in favor of the high school district, he shall also make and file with the county clerk of every county in which any part of such proposed high school district lies, a certificate showing the number of votes cast at such election for and against the high school district, and declaring the result thereof. Such county clerk shall record said certificate in full in a book to be kept by him for that purpose and designated the record of high school districts.

Ballots.

Record of result.

If it shall appear from such certificate that a majority of the votes cast at such election were cast in favor of the formation of such district, such high school district shall be deemed to be formed from the time of the filing thereof.

High school board, organization of.

1726. In every high school district formed and existing in an incorporated city or town, or in a single school district, the board of education or board of school trustees of such incorporated city or town or school district shall constitute the high school board, and shall have the management and control of the high school in said district. Upon the formation of any such high school district it shall be the duty of the superintendent of schools having jurisdiction over the same to call a meeting of the board of education or board of school trustees of said incorporated city or town, or school district, within fifteen days after receiving the returns of the election held therein, by giving at least ten days' notice by registered mail, to every member of said board of education or board of school trustees. The board of education or board of school trustees shall, at said meeting, formally organize as the high school board by electing a president from their own number and a clerk, and may transact other business relating to the affairs of the high school district.

Union high school district, how formed.

1727. Whenever a majority of the heads of families residing in each of two or more contiguous school districts in the same county, according to the number of heads of families therein shown by the last preceding school census, (*provided*, that said districts have by said school census two hundred or more census children in the aggregate) shall unite in a petition to

the superintendent of schools of such county, for the formation of a union high school district under a name to be specified in the petition, he shall, within twenty days after receiving said petition verify the signatures thereto, and if he finds them sufficient, call an election for the determination of the question, and shall appoint three qualified electors in each of the districts petitioning, to conduct the election therein. Said election shall be held separately and simultaneously at a public schoolhouse in each of the districts petitioning, and shall be called by posting notices thereof in three public places in each district, one of which places shall be a public schoolhouse thereof, at least two weeks before the election, and by publishing such notice at least once a week for two successive weeks in a newspaper of general circulation published at least as often as once a week in said proposed union high school district, if there be such a newspaper, the first publication to be not less than two weeks before the election. Said election shall be conducted by the officers appointed for that purpose, in the manner provided by law for conducting elections of school trustees. The ballots used at such election in each district shall contain the words "Union High School District—Yes" and "Union High School District—No," and electors voting at such election shall make a cross with pencil, ink or rubber stamp, after the answer they desire to give. It shall be the duty of the said election officers in each district to canvass the vote at said election as soon as the polls are closed, and report the result to the superintendent of schools within five days subsequent to the holding of said election. Within ten days after receiving the returns of said election, the superintendent of schools shall combine the votes "for" and "against" the formation of the union high school district and declare such result and record the result, with the details of the vote in each district, in a book kept by him for that purpose. If a majority of the votes cast at the election are in favor of the formation of the union high school district, he shall also file with the county clerk of the county, a certificate showing the total number of votes cast in each district in favor of the union high school district, the total number of votes in each district against the union high school district, the aggregate result of said election and the boundaries of said proposed district. If it shall appear from such certificate that a majority of the votes cast at such election were cast in favor of the formation of such district, such union high school district shall be deemed to be formed from the time of the filing thereof, and the county clerk shall record said certificate in full in his record of high school districts.

Election for.

Ballots.

Record of result.

1728. Whenever a majority of the heads of families residing in each of two or more contiguous school districts, not wholly in the same county, according to the number of heads of families therein shown by the last preceding school census (*provided* said school districts have in the aggregate, according to the said school census, two hundred or more census children)

Joint union high school district, formation of.

shall unite in a petition for the formation of a joint union high school district, under a name to be specified in the petition, they shall present said petition to the superintendent of schools of the county in which the greater number of census children of said proposed joint union high school district reside, according to the last preceding school census, or if two or more counties are tied in that respect, to the superintendent of schools of one of said counties to be determined by lot by all the superintendents of schools interested. Thereupon the same proceedings shall be had on such petition as are directed in section seventeen hundred twenty-seven, except that the county superintendent of schools shall file his certificate of the result of the election with the county clerk of each county in which any part of the joint union high school district is situated. If it appears from such certificate that a majority of the votes cast at such election were cast in favor of the formation of such district, such joint high school district shall be deemed to be formed from the time of the filing thereof. The county clerk shall record the certificate in full in his record of high school districts.

Union of
high
school
districts.

1729. Two or more contiguous high school districts in the same or in adjoining counties may be united to form a single union or joint union high school district by proceedings taken as hereinafter provided. Whenever a petition signed by two thirds of the high school board of each of two or more contiguous high school districts, asking that said high school districts be united to form a single union or joint union high school district under a name to be stated in the petition, and stating the location of the high school agreed upon by said high school boards, shall be presented to the superintendent of schools who would have jurisdiction of an original petition for the formation of a high school district out of the territory comprised in the high school districts so petitioning, said superintendent of schools shall within twenty days, call an election for the determination of the question. Such election shall be held separately in each of the school districts composing said high school districts so petitioning, and shall be called and held as provided in section seventeen hundred twenty-seven, except that the ballots shall state the location of the high school as described in the petition to the superintendent of schools and shall contain the words "For the Union of High School Districts—Yes" and "For the Union of High School Districts—No." Said superintendent of schools shall canvass the returns and file his certificate of the result as directed by section seventeen hundred twenty-seven. If a majority of the votes cast at such election are in favor of the union of such high school districts, the high school districts so petitioning shall, from the time of filing such certificate, be united to form a single union or joint union high school district under the name stated in the petition. Thereupon the high school board shall be elected and organized as provided in sections seventeen hundred thirty and seventeen hundred thirty-one. If either of such high school districts so united has an outstand-

Election
for.

ing bonded indebtedness, the new high school district shall be liable therefor.

1730. In every union or joint union high school district, the high school board shall be composed of five members who shall be elected from the high school districts at large for the term of three years, except as hereinafter provided. When any union or joint union high school district is formed, the superintendent of schools who has jurisdiction over the same shall, within fifteen days thereafter, call an election in said union or joint union high school district for the purpose of electing a high school board. Such election shall be held at a schoolhouse of each school district in the high school district, and such superintendent of schools shall appoint the same number of officers of election for each school district, and give the same notice of election as are required for the election of school trustees, and the election shall be held in the same manner as are elections of school trustees, except that the returns shall be at once sent to such superintendent of schools, and he shall canvass the same and issue certificates of election to the persons elected. The members of the high school board so elected shall hold office until the first day of July next succeeding the first regular election of members of the high school board held, as hereinafter provided, after the formation of the high school district, and until their successors are elected or appointed and qualified. Within twenty days after said election the superintendent of schools shall call a meeting of the high school board by giving at least ten days notice by registered mail to each member thereof, for the purpose of organizing the high school board. At such meeting the high school board shall organize by electing a president from their own number and a clerk, and may transact any other business relating to the affairs of the school district.

1731. The regular annual election of members of the high school board shall be held at same time as the regular annual election of school trustees. Said election shall be called by the high school board, who shall for that purpose designate a polling place in each of the school districts composing the high school district, at one of the schoolhouses thereof, at which the electors of such school districts shall vote. The high school board shall give the same notice of said election and appoint the same number of election officers in each school district as are required for the election of school trustees, and said election shall be held in the same manner as are elections of school trustees, except that the returns thereof shall be at once sent to the high school board, who shall meet at the high school on the seventh day thereafter at one o'clock p. m., and canvass said returns and issue certificates of election to the persons elected and file duplicates thereof with the superintendent of schools having jurisdiction over such high school district. The high school board elected at the first regular election following the formation of any union or joint union high school district shall at their first meeting so classify themselves by lot that one of their number shall hold office for

Union or
joint
union
district,
election of
board.

Organiza-
tion of
board.

Annual
election of
board.

Term of
office.

one year, two of their number shall hold office for two years, and two of their number shall hold office for three years from the first day of July next preceding. Thereafter as each member's term expires his successor shall be elected in like manner for the term of three years and until his successor shall be elected or appointed and qualified. Vacancies on the board shall be filled by appointment by the superintendent of schools having jurisdiction over the high school district, the appointee to hold office until the first day of July next succeeding the appointment, and a person to fill any unexpired term shall be elected at the next regular election after the vacancy occurs.

Vacancies.

In each union or joint union high school district formed before this section takes effect the members of the high school board in office at the time this section takes effect or persons appointed as their successors, in case of vacancies, shall hold office until the first day of July, 1910, at which time their terms of office shall expire. At the time hereinbefore provided for the holding of the regular election of members of the high school board in the year 1910 a new board consisting of five members shall be elected at large in each such union or joint union high school district, who shall take office on the first day of July 1910, said high school board shall at their first meeting classify themselves by lot as hereinbefore provided for newly formed districts and thereafter their successors shall be elected as hereinbefore provided.

Reorganization on change of.

1732. Whenever a new school district becomes a part of any union or joint union high school district, such newly added school district shall be entitled to participate in all elections of members of the high school board thereafter held.

Number of districts.

Whenever the number of school districts in a high school district is increased from one to two or more, the superintendent of schools having jurisdiction of such high school district shall within fifteen days thereafter, call an election as provided in section seventeen hundred thirty, and thereafter the high school board shall be elected and organized as provided in sections seventeen hundred thirty and seventeen hundred thirty-one.

Whenever the number of school districts in a high school district is decreased from two or more to one, the superintendent of schools having jurisdiction over said high school district shall within fifteen days call a meeting of the school trustees of the remaining district, as provided in section seventeen hundred twenty-six, at which the high school board shall organize as provided in said section, and thereupon the terms of office of the members of the high school board in office when the decrease was made shall cease.

Change in boundaries.

1733. A school district can not lie partly within a high school district and partly without; and in all cases where the boundaries of a school district comprised within any high school district shall for any cause be changed to include territory not previously in such school district, the territory added to such school district shall become and constitute a part of the

high school district; and in all cases where the boundaries of a school district comprised within any high school district shall be changed so as to exclude territory therefrom such excluded territory shall, except as hereinafter provided, be excluded from the high school district. Where a new school district is formed from territory situated wholly within one high school district, such new school district shall continue to be a part of the high school district; and where a new school district is formed from territory situated in two or more high school districts or situated partly in a high school district and partly in no high school district, the electors of such new school district shall decide by a majority vote to which high school district the new school district shall belong or whether such new school district shall be a part of such high school district, such election being held within thirty days after the formation of the school district, and called by the superintendent of schools of the county in which such school district is situated, in the manner provided in section seventeen hundred twenty-seven. The result of such election shall be certified by the superintendent of schools to the county clerk of the county in which such school district is situated, and to the clerk of every other county in which any part of the high school district selected by the electors is situated, and entered in such clerk's record of high school districts.

New
school
districts.

1734. Whenever a majority of the heads of families residing in any school district contiguous to a high school district, in the same or in any adjoining county, according to the number of heads of families therein, shown by the last preceding school census, shall present to the superintendent of schools who has jurisdiction over said high school district, a petition for the annexation of such school district to such high school district, accompanied by an agreement signed by a majority of the members of the high school board of the high school district to which annexation is desired, and by a majority of the trustees of such school district, consenting to such annexation and setting forth the terms thereof such superintendent of schools shall, after verifying the signatures thereon and finding them sufficient, transmit such petition and agreement to the board of supervisors of his county with his recommendations thereon. Such board may thereupon, in their discretion, make an order annexing such school district to such high school district upon the terms agreed on.

Annexa-
tion of
district.

Whenever it appears that the terms agreed upon by the trustees of the district seeking to be annexed and the high school board include the assumption by the district to be annexed of its pro rata portion of any bonded indebtedness existing against the high school district the board of supervisors shall call an election in the district so proposing to assume such indebtedness for the purpose of determining whether such indebtedness shall be authorized and assumed. Such election shall be held as provided in section seventeen hundred forty-five, except that the returns shall be made to

the board of supervisors. If it shall appear from the returns of such election that two thirds of the votes cast at such election were cast in favor of the assumption by the district seeking to be annexed of its pro rata portion of such bonds, then and not until then shall such district be annexed to such high school district. If such bonded indebtedness is assumed by the annexed district then all levies of taxes made for the payment of the same and interest thereon, shall be upon the property of such annexed district at the same rate as levied upon the property of the original high school district.

Exclusion
of district.

Whenever a majority of the heads of families residing in any union or joint union high school district, and two thirds of the heads of families residing in any school district which is a part thereof, according to the number of heads of families shown by the last preceding school census, shall present to the superintendent of schools who has jurisdiction over said high school district petitions asking for the exclusion of such school district from such high school district, accompanied by an agreement signed by a majority of the high school board of such high school district and a majority of the trustees of such school district, consenting to such exclusion and setting forth the terms thereof, such superintendent of schools shall after verifying the signatures thereto and finding them sufficient, transmit such petitions and agreement to the board of supervisors of his county, with his recommendations thereon. Such board may thereupon, in their discretion, make an order excluding such school district from the high school district upon the terms agreed on; *provided, however*, that no school district shall be excluded from a high school district having an outstanding bonded indebtedness, where such exclusion would so reduce the amount of taxable property in such high school district that said outstanding bonded indebtedness would exceed five per cent of the taxable property of such high school district after the exclusion, as shown by the last equalized assessment of the county or counties in which such high school district is located. The order of the board of supervisors annexing a school district to, or excluding it from, a high school district shall be entered by their clerk in his record of high school districts and he shall also send a copy thereof to the county clerk of each county in which any part of such high school district is situated, who shall enter it in his record of high school districts.

Bonded
indebted-
ness.

Lapsing of
high
school
districts.

1735. When the average daily attendance of pupils in any high school district during the whole of any school year after the first school year shall be ten, or less than ten, the superintendent of schools having jurisdiction over such high school district shall suspend the high school in said high school district, and shall report the fact to the board of supervisors of his county. Upon receiving such report from the superintendent of schools, the board of supervisors shall declare the high school district lapsed, and shall cause the property thereof to be sold. All moneys received from the sale of the

property of the high school district, and all moneys in the treasury to the credit of said high school district, shall be distributed by the superintendent of schools to the school districts composing the high school district, in proportion to the assessed valuation of property in said districts, according to the last completed county assessment rolls, and the portions of said proceeds belonging under such divisions to the districts in other counties shall be transferred to the county or counties within which such school districts are situated.

1736. Any high school district may, after the expiration of three years from its formation, or after it has been acting as such for three years, disincorporate and be dissolved in the following manner: A petition signed by two thirds of the heads of families, according to the number of heads of families shown by the last preceding school census, of each school district composing such high school district shall be presented to the superintendent of schools having jurisdiction over such high school district, which petition shall set forth briefly the reasons for disincorporation, and shall pray that the question may be submitted to the voters in said district. Upon receiving such petition the said superintendent of schools shall verify the signatures to said petition and shall, if he finds them sufficient, call an election in each school district of such high school district, and shall submit to the voters therein the question of disincorporation of such high school district. At the time of calling such election, which must be held in all the school districts of the high school district upon the same day, the superintendent of schools must appoint three electors in each school district contained within such high school district to conduct the election. Notice of election shall be given by posting and publication as provided by section seventeen hundred twenty-seven in case of an election for the formation of a union high school district. Said election shall be conducted in the manner provided by law for conducting elections of school trustees. The ballots shall have printed on them the words "Disincorporation—Yes" and "Disincorporation—No" and electors voting at such election shall make a cross with pencil, ink, or rubber stamp, opposite the answer they desire to give.

Dissol-
tion of dis-
trict. man-
ner of.

Notice of
election.

The election officers shall report the result of such election within five days thereafter to said superintendent of schools. If a majority of all the votes cast at such election are opposed to disincorporation no further petition shall be entertained or election ordered for a similar purpose within three years next following such election. If two thirds of all votes cast at such election are in favor of disincorporation, the superintendent of schools shall, at the end of the existing school year, suspend said high school district, and report the result of the election and the fact of such suspension to the board of supervisors of his county. Upon receiving such report, said board shall, at the first meeting thereafter, make an order declaring said high school district duly disincorporated and dissolved, to take effect at the end of the existing school year. When a high

Result of
election.

Disposi-
tion of
property.

school district has disincorporated under the provisions of this section, the property thereof shall be sold by said board of supervisors and the proceeds of such sale, together with any moneys in the treasury to the credit of such disincorporated high school district, shall be disposed of as provided in section seventeen hundred thirty-five. If a high school district so disincorporated has an outstanding bonded indebtedness, taxes shall be levied and collected on all property in the territory constituting such high school district at the time of its disincorporation, for the purpose of paying principal and interest of such bonds, in the same manner, and at the same time as if said district had not been disincorporated.

Change of
name of
district.

1737. Whenever a petition shall be presented to the superintendent of schools having jurisdiction of any high school district signed by at least two thirds of the members of the high school board of such high school district asking that the name of such high school district be changed and stating the new name desired, said superintendent of schools must transmit the same to the board of supervisors of his county, and the board of supervisors shall designate a day upon which they will act upon such petition, which must not be less than ten nor more than forty days after the receipt thereof. The clerk of said board of supervisors must give notice to all parties interested, by publication in a newspaper published within said high school district, or if no newspaper is published therein, then in any newspaper published in the county, of the time set for the hearing of said petition, which notice must be published at least twice before the day set for hearing, whereupon the board shall, by resolution, either grant or deny the petition; and if granted, the clerk of the board of supervisors shall notify the county superintendent of schools of the change of the name of said district. Such change must be certified to the county clerk of each county in which any part of the high school district is situated and entered by him in his record of high school districts.

County
high
schools,
how estab-
lished.

1738. Whenever a petition signed by fifty or more qualified electors and taxpayers of any county is presented to the board of supervisors thereof, asking for the establishment and maintenance of a county high school in such county, the board of supervisors must submit the question of establishing and maintaining a county high school in said county to the qualified electors thereof at the next general election held therein, or at a special election to be called by the board for that purpose. If a special election is called notice thereof must be given by publication in some newspaper of general circulation published in the county for at least two weeks before the election, or if there is no such newspaper, by posting the same conspicuously in five public places in the county at least two weeks before the election. The ballots used at such election shall contain the words "County High School—Yes" and "County High School—No" and voters shall express their choice by marking a cross with pencil, ink or rubber stamp after the answer they desire to give. Said special election shall be conducted in

Ballots.

the manner prescribed by sections ten hundred forty-four, eleven hundred twenty, eleven hundred twenty-one, eleven hundred thirty-three and eleven hundred fifty-one of this code for conducting special elections. The electors of any high school district existing in such county at the time of the submission of said proposition shall be excluded from voting upon said proposition, unless in addition to the petition above mentioned there is also presented to said board of supervisors the petition of two thirds of the heads of families residing in such high school district, or in case of a union high school district, the petition of two thirds of the heads of families residing in each school district composing the union high school district, according to the number of heads of families therein shown by the last preceding school census; in which case the electors of the high school district or districts from which such petitions are presented shall also be entitled to vote upon said proposition. If a majority of all the votes cast upon the question of establishing a county high school are in the affirmative, the board of supervisors shall make an order declaring the county high school established, and shall also declare the high school district or districts which participated in such election, upon the petitions hereinbefore required, to be lapsed, and the property of such lapsed high school districts shall be held or sold by the board of supervisors for the benefit of the county high school. The order of the board in regard to such lapsed districts shall be entered by the county clerk in his record of high school districts. In case the qualified electors of any county deem it expedient to establish and maintain more than one county high school, then such additional school or schools may be established and maintained in the manner prescribed in this article for establishing and maintaining a county high school.

Qualifications of electors.

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

County board of education ex officio trustees.

1740. Every high school board shall meet on the second Saturday of July of each year at twelve o'clock M. and organize by electing a president from their own number, and a clerk. Every high school board shall hold regular monthly meetings at such times as may be provided in the rules and regulations adopted by them for their own government, *provided*, that in union or joint union high school districts the regular meetings as above provided may be quarterly. Special meetings may be held at the call of the president of the board. Upon the request, in writing, signed by a majority of any

Meetings of high school boards.

board, the president of said board shall call a meeting thereof. Of all special meetings of any board the members thereof shall have at least two days' notice, issued and served by the clerk thereof. At special meetings no business shall be transacted other than that specified in the call therefor. All meetings of the high school board shall be held at the high school building; *provided*, that if no high school building exists in the high school district, or if the high school district consists of a single city, town, or school district, the high school board may meet at such place in the high school district as it may by resolution determine.

Powers
and duties
of boards.

1741. Except as in this article, or in article XV of this chapter, otherwise provided, the powers and duties of high school boards shall be such as are now or may hereafter be assigned by law to boards of education or boards of school trustees in school districts. The high school board shall, at any time after its organization, have power to make arrangements for the temporary location of the high school, and if satisfactory quarters in a suitable location are offered or can be procured for a consideration or at a rental which would make it advisable to accept the same, they shall have the power to secure or lease such quarters for a period not to exceed three years. At the expiration of such lease or other arrangement they shall have the same power to make another lease or other arrangement for the same or different quarters, for a period not exceeding three years. If rooms can be obtained in a public school building in the place where the high school is temporarily located, on reasonable terms, such rooms shall be given the preference. The high school board of any union or joint union high school district may provide, in such manner as they deem best, for the transportation to and from the high school of such pupils thereof as such board find to be in need of such transportation; and the cost of such transportation shall be deemed a part of the cost of maintaining the high school and paid accordingly; *provided* that all contracts or other provision for such transportation shall before the same become effective, be approved by the superintendent of schools who has jurisdiction over such high school district.

Location
of high
school.

1742. When the money for the purchase of a site for a high school in any newly formed high school district has been provided and is in the county treasury the superintendent of schools who has jurisdiction over said high school district shall at once call a meeting of the high school board, in the same manner as he called the first meeting of said board for organization, for the purpose of making a permanent location of the high school. If at such meeting the members of the high school board fail to agree unanimously upon the location for the high school, they shall propose, in writing, to the superintendent of schools and shall transmit to his office within ten days the names of the locations which they favor. Within twenty days after receiving such proposals the superintendent of schools shall call an election in the same manner as the

Election to
determine
location.

election for the formation of the district, to determine the location of the high school. At such election only such sites as have been named by the members of the high school board, and certified to the superintendent of schools shall be voted upon. Any form of ballot by which the voter signifies his choice of location shall be allowed. The result of said election shall be determined and certified to the superintendent of schools as provided in case of the election for the formation of the district.

The location which receives the largest number of votes shall be chosen as the location of the high school. No change of location of any high school, when once established, shall be made except upon a petition to the superintendent of schools who has jurisdiction over the high school district, signed by two thirds of the heads of families of the high school district, and then only upon the affirmative votes of two thirds of the qualified electors of the high school district voting at an election called by the superintendent of schools, for that purpose. Such election shall be called and held, and the returns thereof made to the superintendent of schools, in the same manner as in case of the election for the formation of the district.

1743. Nothing in this article shall be construed so as to prevent the principal of any high school from acting as principal of the grammar school of the school district in which the high school is located, if so desired by the trustees of said school district, and the high school board. Principals.

The principal of every high school shall annually, at the close of the term and prior to receiving his last month's salary and as a prerequisite for such salary, make out under oath and deliver to the superintendent of schools of each county in which any part of his high school district is situated, a full and complete report of said high school for the entire term or school year. Such report shall show the total number of pupils enrolled during the year, the average daily attendance, the number of teachers regularly employed, the course of instruction pursued, the text-books used, the total number of new pupils enrolled during the year, the total cost of maintaining school during the year, the name, post office address, and common school district residence of every new pupil attending the high school and residing in territory not embraced in any high school district, and the total number of such new pupils, and such other information as may be required by the superintendent of public instruction or the county superintendent of schools. Annual report.

The term "new pupil" as used in this article and in article XV of this chapter, means a pupil who has not attended any other high school in this state since the first day of July next preceding his enrollment. The said report shall be made upon blanks furnished by said superintendent of public instruction, as other school report blanks are furnished, and in the case of a joint union high school district the statistics of attendance Term "new pupil" defined.

and other data for each county separately shall be given in said report.

Superintendent of schools, annual report of.

1744. Every superintendent of schools who has jurisdiction over a high school district or in whose county there is a county high school shall annually, at the time required for making reports of primary and grammar schools, make report under oath to the superintendent of public instruction, showing the number of pupils enrolled, average daily attendance, number of teachers regularly employed whether the text-books used therein conform to the list adopted by the high school board of trustees as required by section seventeen hundred fifty and such other information regarding the high schools of his county, or over which he has jurisdiction as he may deem proper, or as may be required by the superintendent of public instruction; said report to be made upon blanks furnished by the superintendent of public instruction.

Bonds, manner of issuance.

1745. The high school board of any high school district may, when in its judgment it is advisable, and must upon a petition of a majority of the heads of families residing in such high school district, according to the number of heads of families therein shown by the last preceding school census, call an election and submit to the electors of the high school district the question whether the bonds of such high school district shall be issued and sold for the purpose of raising money for purchasing high school lots, for building or purchasing one or more high school buildings or making alterations or additions to the high school building or buildings, for repairing, restoring or rebuilding any high school building damaged, injured or destroyed by fire or other public calamity, for insuring high school buildings, for supplying high school buildings with furniture or necessary apparatus, for improving the grounds, for liquidating any indebtedness already incurred for said purposes, or for refunding any outstanding valid indebtedness of such district, evidenced by bonds or warrants thereof. Any one or more or all of said purposes, except that of refunding any outstanding valid indebtedness of the district evidenced by bonds or warrants thereof, may by order of said board, entered in its minutes, be united and voted upon as one single proposition. Such election must be called by posting notices, signed by a majority of the high school board, in at least three public places in the high school district, not less than twenty days before the election; and if there is a newspaper of general circulation published in any county in which any part of said district is situated, by publishing such notices therein not less than once a week for three successive weeks. The first publication of said notice shall be not less than twenty-one days before such election. Such notice must contain: the time and place, or places, of holding such election; the names of the inspectors and judges to conduct the same; the hours during the day in which the polls will be open; the purposes for which the bonds are to be issued; the amount of bonds and

Notice of election for bonds, to contain what.

the denomination thereof, which shall not be more than one thousand dollars or less than one hundred dollars; the rate of interest, not exceeding six per cent per annum, payable annually or semi-annually; and the number of years, not exceeding forty, the whole or any part of said bonds are to run. Such election shall be conducted in conformity with the provisions of sections one thousand five hundred and ninety-six, one thousand five hundred and ninety-seven, one thousand five hundred and ninety-eight, one thousand five hundred and ninety-nine, one thousand six hundred and one thousand six hundred and one, of this code, and the words to appear upon the ballots shall be "High School District Bonds—Yes" and "High School District Bonds—No."

Electors voting at such elections shall mark a cross with pencil, ink or rubber stamp, after the answer they desire to give. On the seventh day after said election at one o'clock p. m. if the returns have all been made to the high school board of such high school district, such high school board must meet and canvass said returns. If all the returns have not then been received, the board must adjourn from day to day until said returns are all received, and must then proceed to canvass the same. The canvass may be continued from day to day until completed.

1746. If it appears that two thirds of the votes cast at said election were cast in favor of issuing such bonds, then such high school board shall cause an entry of that fact to be made upon its minutes, and shall certify to the board of supervisors of the county whose superintendent of schools has jurisdiction of said high school district all of the proceedings had in the premises, and thereupon said board of supervisors shall be and it is hereby authorized and directed to issue the bonds of such high school district, in accordance with such proceedings, payable out of the building fund of such high school district, naming the same: *provided*, that the total amount of bonds so issued shall not exceed five per cent of the taxable property of the high school district as shown by the last equalized assessment of the county or counties in which such district is located. The board of supervisors, by an order entered upon its minutes, shall prescribe the form of said bonds and of the interest coupons attached thereto, if any, and must fix the time when the whole or any part of the principal of said bonds shall be payable, which shall be not more than forty years from the date thereof.

Duty of
board of
super-
visors.

Form of
bonds.

Said board of supervisors may make the principal and interest of said bonds payable at the office of the treasurer of the county, or at such other place within the United States as the board may designate, or at such treasurer's office or such other designated place, at the option of the bond holder; which place of payment shall be specified in the bonds; and this provision shall apply to all such bonds not yet issued when this section takes effect, regardless of the time when the election therefor was held. The expense of paying such

Where
payable.

Sale of
bonds.

principal and interest elsewhere than at the office of the treasurer shall be a charge against the high school district funds, to be paid out of the tax for the payment of the bonds. Said bonds must be sold at the times and in the amounts prescribed by the board of supervisors, but for not less than par, and the proceeds of the sale thereof must be deposited in the county treasury to the credit of the building fund of the said high school district, and be drawn out for the purposes aforesaid as other high school moneys are drawn out. Before selling said bonds, or any part thereof, the board of supervisors must advertise for bids therefor for at least two weeks in some daily or weekly newspaper of general circulation published in the county, or if there is no such newspaper published in the county, in some such newspaper published in some other county in the state.

If satisfactory bids are received, the bonds offered for sale must be awarded to the highest bidder. If no bids are received, or the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell said bonds at private sale.

Bond tax
levy.

1747. The board of supervisors of the county whose superintendent of schools has jurisdiction over any high school district must annually, at the time of making the levy of taxes for county purposes, levy a tax for that year upon the taxable property in such high school district for the interest and redemption of all outstanding bonds of such district, and said tax must not be less than sufficient to pay the interest of said bonds for that year, and such a portion of the principal as is to become due during such year, and in any event must be high enough to raise, annually, for the first half of the term said bonds have to run, a sufficient sum to pay the interest thereon; and during the balance of the term high enough to pay such annual interest, and to pay annually a proportion of the principal of said bonds, equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run; and all taxes so levied, when collected, shall as herein provided be paid into the county treasury of the county whose superintendent of schools has jurisdiction over the high school district in behalf of which such tax was levied to the credit of the bond interest and sinking fund of such high school district, and be used for the payment of the principal and interest on said bonds and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer of the county aforesaid at the place required by the terms of such bonds, upon presentation and surrender of said bonds or the interest coupons thereof, or upon the receipt of the registered owner, if such bonds are registered, out of the fund provided therefor, and it shall be the duty of the treasurer to cancel and file the bonds and coupons as rapidly as they are paid.

In case of a high school district situated in two or more counties, the assessor of each of such counties must annually, as soon as the county assessments have been equalized by the state board of equalization certify to the board of supervisors of each of the counties in which any portion of such high school district is situated, the assessed value of all taxable property in such county situated in such high school district, and the said tax shall be so levied according to the ratio which the assessed value of the property in such high school district in any county bears to the total assessed value of the property in such district, each board of supervisors to levy upon the property in such high school district and within their own county, such rate of tax as will be sufficient to raise not less than the amount needed to pay the interest and such portion of the principal of such bonds as is to become due during such year. Said tax shall be entered upon the assessment roll and collected in the same manner as other school taxes are entered and collected and when collected paid into the treasury of such county and it shall then be the duty of the treasurer of any such county other than the one whose superintendent of schools has jurisdiction over such high school, on written demand of the treasurer of the county whose superintendent of schools has jurisdiction over such high school to pay the sum collected on account of such tax into the treasury of the county whose superintendent of schools has jurisdiction over such high school. Wherever money has been raised for the payment of principal or interest of outstanding bonds of any high school district and the same is at the time this section takes effect in the treasury of any other county than that prescribed by this section for the custody of such funds, the same shall at once be paid into the proper county treasury as above provided.

Districts situated in two counties, duty of assessors.

1748. Whenever any bonds authorized under the provisions of sections seventeen hundred forty-five and seventeen hundred forty-six shall remain unsold for the period of six months after having been offered for sale in the manner prescribed by the board of supervisors, the high school board of the high school district, for and on account of which such bonds were issued, may petition the board of supervisors to whom the proceedings were certified to cause such unsold bonds to be withdrawn from the market and canceled. Upon receiving such petition, signed by a majority of the members of said high school board, the said board of supervisors shall fix a time for hearing the same, which shall not be more than thirty days thereafter, and shall cause a notice, stating the time and place of hearing, and the object of the petition in general terms, to be published for ten days prior to the day of hearing, in some newspaper published in said high school district, if there is one, and if there is no newspaper published in said high school district, then in a newspaper published at the county seat of the county. At the time and place designated in the

Unsold bonds, cancellation of.

notice for hearing said petition, or at any subsequent time to which said hearing may be postponed, the said board of supervisors shall hear any reasons that may be submitted for or against the granting of the petition, and if said board shall deem it for the best interests of the high school district named in the petition, that such unsold bonds be canceled, said board shall make and enter an order in the minutes of its proceedings that said unsold bonds be canceled; and thereupon said bonds and the vote by which they were authorized to be issued shall cease to be of any validity whatever.

County
high
schools,
issuance of
bonds for.

1749. In counties where county high schools have been established under the provisions of this article, the board of supervisors may, when in their judgment it is advisable, and must upon a petition of a majority of the heads of families, according to the number of heads of families residing in the county, shown by the last preceding school census of the county, call an election and submit to the electors of the county the question whether the bonds of such county shall be issued and sold for the purpose of raising money for purchasing high school lots, for building or purchasing one or more high school buildings, or making alterations or additions to high school buildings, for repairing, restoring or rebuilding any high school building damaged, injured or destroyed by fire or other public calamity, for insuring high school buildings, for supplying high school buildings with furniture and necessary apparatus, for improving the grounds, or for any or all of said purposes. The conduct of said election and the issue, sale and payment of said bonds shall be in the manner prescribed by section four thousand and eighty-eight of this code.

Course of
study.

1750. The course of study for every high school shall be prepared by the high school board, or trustees having control thereof, and except in incorporated cities and towns, having boards of education, shall be subject to the approval of the county board of education. Said course of study for county high schools shall embrace a period not less than three years, and for all other high schools shall embrace a period of not less than four years; and every high school shall prescribe at least one course of study that will prepare graduates therein for admission into the state university. The high school board of trustees may prescribe an additional course or additional courses of study, subject to approval as hereinbefore provided. Within ninety days after the taking effect of this act the clerk or secretary of the high school board of each district shall certify to the superintendent of schools having jurisdiction over such high school, the list of all text-books previously adopted by order of said board or then in use in said high school and no change shall thereafter be made in said list of books, *provided*, that the high school board may at a regular meeting adopt for a period of not less than four years such additional or other text-books as they may deem best from a list of books prepared and recommended annually in the month of June by the state board of education. The order of adop-

tion shall be entered upon the minutes of the board and a certified copy thereof shall be at once transmitted by the clerk or secretary of the high school board to the superintendent of schools having jurisdiction over such high school. The board of trustees shall enter into a written contract with the publisher of the text-books so adopted for their use during such period.

The high school board of any high school district, or trustees of any county high school may prescribe post-graduate courses of study for the graduates of such high school, or other high schools, which courses of study shall approximate the studies prescribed in the first two years of university courses. The high school board of any high school district, or trustees of any county high school wherein such post-graduate courses of study are taught may charge tuition for pupils living without the boundaries of the district or county wherein such courses are taught.

1751. Any graduate of the elementary schools of this state and any other person who furnishes to the principal of the high school he desires to attend, and to the superintendent having jurisdiction over such high school satisfactory evidence of his fitness for high school work, may attend any high school in this state; *provided*, that any person residing in a high school district may attend the high school in another high school district only upon such terms as may be agreed upon by the high school boards of the two districts, or if such boards fail to agree, on such terms as the superintendent of schools having jurisdiction by the provisions of this article over the high school he desires to attend may prescribe.

SEC. 2. A new article is hereby added to the Political Code, to be numbered article XV of chapter III of title III of part III of said code, and to read as follows:

ARTICLE XV.

HIGH SCHOOL TAXES AND FUNDS.

Section		High school taxes.
1755.	Estimate of tax for building, etc.	
1756.	Estimate of tax for maintenance.	
1757.	Levy of taxes for building and maintenance.	
1758.	Estimate of tax for education of non-resident pupils.	
1759.	Levy and apportionment of same.	
1760.	Levy of tax for state high school fund.	
1761.	Apportionment of same.	
1762.	Warrants on same.	
1763.	Disbursement of high school funds.	

1755. It shall be the duty of every high school board to make and file with the board of supervisors of each county in which any part of their high school district is situated, on or before the first Monday of September next succeeding the formation of said district, an estimate of the cost of purchasing a suitable lot, of procuring plans and specifications and erecting a suitable building, of supplying the same with furniture and necessary apparatus, and of fencing and ornamenting

the grounds, for the accommodation of the school, unless such high school board shall have secured or leased temporary quarters for the use of such high school, as provided in section seventeen hundred forty-one, or unless bonds shall have been voted for said purposes. If such high school board shall have secured or leased such temporary quarters, they shall, on or before the first Monday of September next before the termination of such lease or arrangement, either make another arrangement for temporary quarters, as provided in section seventeen hundred forty-one, or make and file with the board, or boards of supervisors aforesaid an estimate of the cost of purchasing a suitable lot, of procuring plans and specifications, and of erecting a suitable building, of supplying the same with furniture and necessary apparatus, and of fencing and ornamenting the grounds for the accommodation of the school, unless bonds shall have been voted for said purposes.

Superintendent of schools shall make estimate, when.

Every county board of education acting as trustees of a county high school, shall make and file with the board of supervisors of their county the estimates required by this section. Should the trustees of any county high school, or the high school board of any high school district, fail to make the estimate provided for in this section, it shall be the duty of the superintendent of schools of such county, or having jurisdiction over such high school district, to make and file such estimate on or before the second Monday of September.

Estimate for maintenance.

1756. It shall be the duty of every high school board to make and file with the board of supervisors of each county in which any part of their high school district is situated, on or before the first Monday of September of each year, an estimate of the amount of money required for maintaining the high school for the current school year, including rent of temporary quarters, if any. The first such estimate after the formation of such district shall also, if temporary quarters have been secured for the high school, include the amount of money required to provide the necessary furniture and apparatus for such temporary quarters. Every county board of education acting as trustees of a county high school shall annually make and file with the board of supervisors of their county the estimate required by this section. Should the trustees of any county high school, or the high school board of any high school district fail to make the estimate provided for by this section, it shall be the duty of the superintendent of schools of the county, or having jurisdiction over such high school district, to make and file such estimate on or before the second Monday of September.

Levy of tax.

1757. The board of supervisors with whom any estimate is filed under the provisions of section seventeen hundred fifty-five or section seventeen hundred fifty-six must at the time of making the tax levy for the year for county purposes, levy a special tax on all the taxable property in such high school district and within their county, or in case of a county high school, upon all the taxable property in their county not in any

high school district, sufficient in amount to carry out the purposes legally specified in the said estimate. In case of a high school district situated in two or more counties, the said tax shall be levied by the boards of supervisors of such counties as provided in section seventeen hundred and forty-seven, each board of supervisors to levy upon the property in such high school district and within their own county such rate of tax as will be sufficient to carry out the purposes legally specified in said estimate. Said tax shall be entered upon the assessment roll, and collected, in the same manner as other school taxes are entered, and collected, and when collected shall be paid into the treasury of the county whose superintendent of schools has jurisdiction over the high school district in behalf of which the same were levied.

Should any board of supervisors with whom such estimate is filed fail to levy the tax as required by this section, it shall be the duty of the auditor of their county to make such levy.

1758. For the purpose of defraying the cost of educating high school pupils residing in any county and not in any high school district, a special tax shall be annually levied by the board of supervisors of each county in which there is no county high school upon all property in the county not situated in any high school district, in the manner hereinafter provided. Every superintendent of schools to whom any report is made under section seventeen hundred forty-three, shall verify each such report as to the new pupils therein mentioned as attending high school and residing in his county but not in any high school district, and shall compile a report showing the total number of such high school pupils residing in his county outside of any high school district, the net cost of educating each of such pupils, the total net cost for all such pupils, and the total net cost to each high school district for all of such pupils attending therein; to be determined as hereinafter provided.

Non-resident pupils, tax for educating.

The net cost in any year of educating a new pupil attending a high school and not residing in any high school district shall be the excess, if any, of the total cost, for such year, of educating each high school pupil of the district maintaining such high school over the amount per pupil paid by the state to such high school district for that year.

The cost of educating each high school pupil of any high school district shall be determined by dividing the total amount expended by the high school district for maintaining school during any school year, by the total number of new pupils enrolled in the high schools of the district during the same school year. The amount paid per pupil by the state to any high school district in any one year shall be determined by dividing the high school district's income from the state high school fund for that year, by the total number of new pupils enrolled in the high schools of the district for that year.

Determination of cost.

1759. Not later than the first Monday in September of each year the superintendent of schools of each county in which there is not a county high school shall certify to the

County superintendent to certify net cost.

board of supervisors and to the county auditor of such county, the total net cost, for the preceding year, of educating all high school pupils residing in such county and not in any high school district, and the estimated amount needed for that purpose for the current year.

The board of supervisors with whom such certificate is filed must, at the time of making the tax levy for that year for county purposes levy a special tax upon all taxable property in the county not situated in any high school district, sufficient in amount to defray the net cost, for the current year, of educating all high school pupils residing in such county and not in any high school district. If the board of supervisors fail to make such tax levy the auditor of the county must make the same. Said tax when collected shall be paid into the county treasury and placed in a fund to be known as the high school tuition fund. The auditor shall not later than the last Monday in December and the last Monday in May of each year notify the superintendent of schools of the amount in such fund, and the superintendent of schools shall thereupon apportion the same to the several high school districts having territory in his county in proportion to the total net cost to each of said districts of educating its high school pupils who reside in his county outside of any high school district, as shown in his report for the preceding school year compiled as directed in section seventeen hundred fifty-eight, and certify such apportionment to the auditor. The amount so apportioned to each high school district shall be paid into the treasury of the county whose superintendent of schools has jurisdiction over such high school district, to the credit of the special fund thereof, and shall be used to maintain the high school, and paid out in the same manner as other high school funds.

State high school tax, basis of estimate.

1760. It shall be the duty of the state controller, annually, between the tenth day of August and the first day of September, at the time that he is required to estimate the amount necessary for other school taxes, to estimate the amount necessary to be levied for the support of high schools. This amount he shall estimate by determining the amount required at fifteen dollars per pupil in average daily attendance in all the duly established high schools of the state for the last preceding school year, as certified to him by the state superintendent of public instruction. This amount the state controller, between the dates above given, must certify to the state board of equalization.

The state board of equalization, at the time when it annually determines and fixes the rate of state taxes to be collected, must declare the levy and the rate of tax for the support of state high schools in conformity with the provisions of this section.

The money collected as provided in this section after deducting the proportionate share of expenses of collecting the same to which other taxes are subject, must be paid into the state treasury, to be by the state treasurer converted into a separate fund, hereby, created, to be called the "state high school fund."

1761. The money paid into the state high school fund is hereby appropriated without reference to fiscal years for the use and support of regularly established high schools and is exempt from the provisions of part three, title one, chapter three, article eighteen, of this code, relating to the state board of examiners. The money in said state high school fund shall be apportioned to the high schools of the state by the state superintendent of public instruction in the following manner: He shall apportion one third of the annual amount among the high schools and high school districts of the state which have been formed or established under the laws of the state or have been recognized as existing under the high school laws of the state and have maintained the grade of instruction required by law of the high schools, irrespective of the number of pupils enrolled or in average daily attendance therein; the remaining two thirds of the annual amount he shall apportion among such schools pro rata upon the basis of average daily attendance as shown by the official reports of the county, or city and county school superintendents for the last preceding school year; upon making such appointments the superintendent of public instruction shall draw his order upon the state controller for the amount apportioned to each high school district or county high school, in favor of the treasurer of the county, or city and county in which such county high school is established, or of the county, or city and county, whose superintendent of schools has jurisdiction over such high school district.

Apportionment of state taxes.

1762. The state controller must keep a separate account of the state high school fund and must on the first Monday in January and on the first Monday in July in every year report to the superintendent of public instruction a statement of all moneys belonging to the said fund. He must draw his warrant on the state treasurer in favor of any county or city and county treasurer whenever such treasurer presents, with his indorsement an order drawn by the superintendent of public instruction against the state high school fund, and the state treasurer is hereby authorized to pay the same.

Controller's warrants.

1763. All taxes levied and collected under the provisions of section seventeen hundred fifty-seven shall be placed by the county treasurer receiving the same in a special fund to the credit of the high school district, or county high school for which the same were levied, and used only for the purposes for which the same were levied; and all moneys apportioned to any high school district or county high school under the provisions of sections seventeen hundred fifty-nine and seventeen hundred and sixty-one shall be placed by the county treasurer receiving the same in the special fund of the high school district or county high school to which the same is apportioned. County high school or high school district funds shall be paid out upon the order of the county board of education or the high school board, or of the executive committee when such committee are authorized to draw the same, signed

How tax moneys may be used.

by the president and clerk of the high school board or county board of education. The money apportioned to any high school or high school district from the state high school fund shall be used only for the payment of teachers' salaries. Such orders shall be drawn and itemized, and presented to, and acted upon by, the superintendent of schools having jurisdiction over such high school district and the auditor of his county, in the same manner, as the orders of boards of school trustees of school districts.

Certain
sections
and acts
repealed.

SEC. 3. Sections 1669, 1670, 1671, 1671a, and 1681 of the Political Code; and an act entitled "An act to provide for the change of name of high school districts and union high school districts and the manner of making such change" approved March 23, 1907, and an act entitled "An act relating to the meeting place of high school boards with municipal corporations" which became a law without the governor's approval March 15, 1901, and an act entitled "An act creating a fund for the benefit and support of high schools and providing for its distribution, and repealing an act entitled "An act creating a fund for the benefit and support of high schools and providing for its distribution," approved March 2, 1903" approved March 6, 1905, and all acts amendatory of said last mentioned act, are hereby repealed; *provided*, that where the provisions of this act are substantially the same as said repealed statutes they shall be construed as continuations thereof and not as new enactments, and *provided further*, that all high schools established and high school districts organized under the provisions of said repealed statutes shall be continued in existence under the provisions of this act; and *provided further*, that nothing in this act shall affect the validity or legality of any bonds of any high school district issued and sold prior to the taking effect of this act; and *provided further*, that where an election has been held prior to the taking effect of this act, upon the question of issuing bonds of any high school district, and said election has been legally called and held in accordance with said repealed statutes, and two thirds of the electors voting at such election have voted in favor of issuing such bonds said election, and all subsequent proceedings in regard to such bonds taken in accordance with said repealed statutes before this act becomes effective, shall be valid and effectual for all purposes and all further proceedings for the sale of such bonds shall be held in accordance with the provisions of this act.

SEC. 4. This act shall take effect on the first day of July, 1909.

CHAPTER 312.

An act providing for the organization of the railroad commission of the State of California, defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees and other persons, and providing penalties therefor; and repealing an act entitled "An act to create the office of commissioner of transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein," approved April 1, 1878, and also repealing an act entitled "An act to organize and define the powers of the board of railroad commissioners," approved April 15, 1880.

[Approved March 19, 1909.]

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

SECTION 1. The three persons elected railroad commissioners pursuant to the provisions of section 22 of article XII of the constitution of the state, constitute and shall be known and designated as the railroad commission of the State of California. They shall have power to elect one of their number president of said board, to appoint a secretary, to appoint an assistant secretary, and to employ a stenographer.

Railroad
commission,
of
whom
composed.

Sec. 2. The salary of each commissioner shall be six thousand dollars per annum; the salary of the secretary shall be three thousand dollars per annum; the salary of the assistant secretary shall be eighteen hundred dollars per annum; the salary of the stenographer shall be nine hundred dollars per annum; such salaries to be paid by the State of California in the same manner as the salaries of state officers are paid. Said commissioners, and the persons in their official employment when traveling in the performance of their official duties, shall have their traveling expenses other than transportation paid, the amounts to be passed on by the state board of examiners, and paid by the state. Said board of railroad commissioners shall be allowed one hundred dollars per month for office rent, and fifty dollars per month for fuel, lights, postage, expressage, subscription to publications upon the subject of transportation, and other incidental expenses, to be paid by the state; *provided*, that all moneys remaining unexpended at the expiration of each fiscal year shall be returned to the state treasurer. The state shall furnish said board with all necessary stationery and printing, upon requisitions signed by the president of said board.

Salaries.

Expenses.

Sec. 3. Said commissioners and the persons in their official employment shall, when in the performance of their official

Fees.

duties, have the right to pass free of charge on all railroads, steamers, ships, vessels and boats, and on all vehicles employed in or by any transportation company, subject to the provisions of this act, engaged in the transportation of freight and passengers within this state.

Duty of
attorney
general.

SEC. 4. It shall be the duty of the attorney general to institute and prosecute any and all such suits and proceedings as shall be requested of him by said board, and to appear therein, and in all suits and proceedings to which the board is a party, for said board, and said suits and proceedings shall have precedence over all other business except criminal business; *provided*, that said board shall have the power to employ additional counsel to assist the attorney general, or otherwise, whenever they may deem it expedient. The fees and expenses of said additional counsel shall be determined by the state board of examiners and paid by the state.

Office.

SEC. 5. The office of said board shall be in the city and county of San Francisco. Said office shall always be open (legal holidays and non-judicial days excepted). The board shall hold its sessions at least once a month in said city and county of San Francisco, and at such other times and such other places within this state as may be expedient. The sessions of said board shall be public.

Salaries,
how paid.

SEC. 6. The salaries of the commissioners, secretary, assistant secretary and other officers and attached in any manner employed by the board of commissioners shall be paid out of any money in the general fund appropriated therefor.

Seal.

SEC. 7. The board shall have a seal, to be devised by its members, or a majority thereof. Such seal shall have the following inscription surrounding it "Railroad Commission, State of California." The seal shall be affixed only to first, writs; second, authentications of a copy of a record or other proceedings, or copy of a document on file in the office of said commission.

Process.

SEC. 8. The process issued by said board shall extend to all parts of the state. The board shall have power to issue writs of summons and of subpoena in a like manner as courts of record. The summons shall direct the defendant to appear and answer within fifteen days from the day of service. The necessary process issued by the board may be served in any county of this state by any person authorized to serve process of courts of record.

Duty of
secretary.

SEC. 9. The secretary of said board shall issue all process and notices required to be issued, and do and perform such other duties as the board may prescribe.

Com-
plaints.

SEC. 10. All complaints before said board shall be in writing and under oath. All decisions of said board shall be given in writing, and the grounds and the decisions shall be stated. A record of the proceedings of said board shall be kept, and the evidence of persons appearing before said board shall be preserved.

Sec. 11. The term "transportation company," as used in this act, shall include railroads operated for commercial purposes, express companies, sleeping car companies, and companies operating vessels engaged in carrying freight or passengers on the waters of this state. The term "railroad" and "railroad company," as used in this act, shall include all bridges and ferries used or operated in connection with any railroad, and all the road in use by any railroad company operating a railroad, whether owned or operated under a contract, agreement, or lease, and all switches, spurs, tracks and terminal facilities, used in the transportation of persons or property, and all freight depots, yards or grounds, used in the transportation or delivery of any of said property. The term "transportation" as used in this act, shall include cars and other vehicles and all instrumentalities and facilities of shipment or carriage used by transportation companies in the movement of persons or property, irrespective of ownership, or of any contract, express or implied, for the use thereof, and all services in connection with the receipt, delivery, transfer in transit, ventilation, refrigeration or icing, storage and handling of property transported. The term "company," as used in this act, shall include corporations, associations, partnerships, trustees, assignees, and individuals.

Certain
terms
defined.

Whenever any transportation company by water uses or operates, as incidental to the operation of its ships or boats, any barge, canal boat, steamer, tug, ferryboat, or lighter, the thing so incidentally used or operated shall be deemed to be part of its transportation.

Sec. 12. It is hereby made the duty of such railroad commission to see that the provisions of this act and all laws of this state concerning transportation companies are enforced and obeyed, and that violations thereof are promptly prosecuted, and penalties due the state therefor recovered and collected. And said commission shall report all such violations, with the facts in their possession, to the attorney general or other officer charged with the enforcement of the laws, and request him to institute the proper proceedings.

Duty of
commission.

Sec. 13. The commissioners, or either of them, or such person as they may employ for that purpose, shall be authorized, at such times as they may deem necessary, to examine the books and papers of any transportation company, and to examine under oath any officer or employee of such company in respect to the business of the same. If any transportation company shall willfully refuse to permit such inspection of its books and papers, said company shall, for each offense, be subject to a penalty of five hundred dollars for each day it shall so refuse, payable to the State of California, and recoverable in an action in the name of said board of railroad commissioners by the attorney general at the request of said board, in the superior court of the county, or city and county, where said company has its principal operating office in the State of California. No person employed by said board to make such inspection shall be entitled to make the same until he shall first

Examina-
tion of
books of
com-
panies.

produce his authority therefor, in writing, under the hand and seal of said commission.

Refusal to
exhibit
books, pen-
alty for.

SEC. 14. Any officer, agent or employee of any transportation company who, upon proper demand, shall willfully fail or refuse to exhibit to the commissioners, or either of them, or any person authorized to investigate the same, any book, record, or paper of such transportation company, which is in the possession or under the control of such officer, agent or employee, shall be deemed guilty of a misdemeanor, and, upon conviction in any court having jurisdiction thereof, shall be punished by a fine in a sum not less than five hundred dollars and not to exceed \$2,000.

Witnesses,
pay of.

SEC. 15. The said commission is authorized to investigate any breach of the provisions of this act, and to issue subpoenas for the attendance of the witnesses, and each of said witnesses so subpoenaed shall receive for his attendance before the commission \$2 per day and three cents per mile for the distance, by the nearest practicable route, in going to and returning from the place of meeting of said commission, and said witness fees shall be ordered paid by the state controller, upon presentation of proper vouchers sworn to by the witness and approved by the chairman of the commission; *provided*, that the chairman of said commission shall not approve any such voucher in the case of a witness subpoenaed at the instance of parties other than the commission, unless it shall appear to said chairman that the testimony of such witness was material to the matter investigated. In case any witness shall fail or refuse to obey such subpoena, the commission may issue an attachment for said witness, directed to any sheriff or constable of the State of California, to compel such witness to attend before the commission and give his testimony in respect to the matter investigated. No person shall be excused from attending and testifying, or from producing books and papers in obedience to said subpoena on the ground that the testimony or evidence required of him may tend to incriminate him, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, before said commission in obedience to said subpoena, *provided, however*, that no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying. The sheriff or constable executing any process issued under the provisions of this act shall receive such compensation therefor as may be allowed by the commission, not to exceed the fees as the same shall now or hereafter be prescribed by law for similar services.

Rates of
charges,
establish-
ment of.

SEC. 16. The said board of railroad commissioners shall have the power, and it shall be their duty, to establish rates of charges for transportation by transportation companies subject to the provisions of this act, and the order for the said rates so made shall take effect on the twentieth day after service of the same upon the transportation company affected thereby, and

in case such company be a corporation such service shall be sufficient if made upon the president, vice president, secretary or managing agent thereof, and in case such company be a partnership, upon any member of the firm; to examine the books, records and papers of all such transportation companies, and for this purpose they shall have power to issue subpoenas and all other necessary processes; to hear and determine complaints against said transportation companies; to send for persons and papers; to administer oaths, take testimony and punish for contempt of their orders and processes in the same manner and to the same extent as courts of record; and to enforce their decisions, and correct abuses through the medium of the courts.

SEC. 17. The commission may, after hearing on a complaint and upon such reasonable notice as it may fix to the company or companies complained of, establish through routes and joint rates as the maximum to be charged, and prescribe the division of such rates as hereinafter provided, and the terms and conditions under which such through routes shall be operated when that may be necessary to give effect to any provision of this act and the company or companies complained of have refused or neglected to establish voluntarily such through routes and joint rates; *provided*, no reasonable or satisfactory through route exists, and this provision shall apply when one of the connecting companies is a water line. Should the companies fail to agree among themselves upon the apportionment or division of such joint rates, the commission may, after hearing, upon such reasonable notice to said companies as it may fix, make a supplemental order prescribing the just and reasonable proportion of such joint rate to be received by each company party thereto.

SEC. 18. Every transportation company, subject to the provisions of this act, shall file with the commission, within a time fixed by the commission, and print and keep open to public inspection, schedules showing all the rates, fares and charges for transportation between different points on its own route and between points on its own route and points on the route of any other transportation company subject to the provisions of this act, when a through route and joint rate have been established. These schedules shall plainly state the places between which property and passenger will be carried, and shall also state separately all terminal charges, storage charges, icing charges, and all other charges which the commission may require, all privileges or facilities granted or allowed, and any rules or regulations which in anywise change, affect, or determine any part or the aggregate of such aforesaid rates, fares and charges, or the value of the service rendered to the passenger, shipper or consignee. Such schedules shall be plainly printed in large type, and copies for the use of the public shall be kept on file in every depot, station and office of such transportation companies where passengers or freight, respectively, are received for transportation, in such form that

Through routes and joint rates.

Schedules to be filed and posted.

they shall be accessible to the public and can be conveniently inspected. The provisions of this section shall apply to all traffic, transportation and facilities defined in this act.

Changes in rates.

No change shall be made in the rates, fares and charges, or joint rates, fares and charges which have been made, filed and published by any transportation company subject to the provisions of this act, except after thirty days' notice to the commission, and to the public, published as aforesaid, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rates, fare or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time, and kept open to public inspection; *provided*, that the commission may, in its discretion and for good cause shown, allow changes upon less than the notice herein specified, or modify the requirements of this section in respect to publishing, posting and filing of tariffs, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions.

Joint tariffs.

The names of the several transportation companies which are parties to any joint tariff shall be specified therein, and each of the parties thereto, other than the one filing the same, shall file with the commission such evidence of concurrence therein or acceptance thereof as may be required or approved by the commission, and where such evidence of concurrence or acceptance is filed, it shall not be necessary for the transportation companies filing the same to also file copies of the tariffs in which they are named as parties.

Form of schedules.

The commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection shall be prepared and arranged, and may change the form from time to time as shall be found expedient.

No transportation company subject to the provisions of this act, unless otherwise provided by this act, shall engage or participate in the transportation of passengers or property, as defined by this act, unless the rates, fares and charges upon which the same are transported by said transportation company have been filed and published in accordance with the provisions of this act; nor shall any transportation company charge or demand or collect or receive a greater or less compensation for such transportation of passengers or property, or for any service in connection therewith, between the points named in such tariffs, than the rates, fares and charges which are specified in the tariffs filed and in effect at the time.

Change of rates, notice to company.

SEC. 19. The said commission, before establishing, changing, amending, or abolishing any rule, regulation, or rate of charge for transportation, shall give the transportation company to be affected thereby ten days' notice of the time and place for the taking of action by the commission in respect to the same, and said company shall be entitled to be heard at such time and place and to process for the attendance of its

witnesses, to the end that such action may be taken by the commission as shall be reasonable and just in the premises.

SEC. 20. Any person, firm, corporation, or association, or any mercantile, agricultural or manufacturing society, or any body politic, or municipal organization, complaining of anything done or omitted to be done by any transportation company subject to the provisions of this act, in contravention of the provisions thereof or of the constitution of this state may apply to said commission by petition, which shall set forth the facts; whereupon, if there shall appear to the commission to be any reasonable grounds for investigating such complaint, it shall cause a copy of the same to be served on the transportation company concerned, and call upon said company to answer the same at a time and place specified in said call by said commission. The commission shall investigate the matters complained of under such reasonable rules and modes of procedure as it shall deem proper. No complaint shall at any time be dismissed because of the absence of direct damage to the plaintiff.

Petition
for investi-
gation.

SEC. 21. Whenever an investigation shall be made by said commission, it shall be its duty to make a report in writing in respect thereto, which shall state the conclusions of the commission, together with its decision, order or requirement in the premises; and in case damages are awarded, such report shall include the findings of fact in which the award is made. All reports of investigations made by the commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any transportation company that may have been complained of. The commission may provide for the publication of its reports and decisions in such form and manner as may be best adapted for public use and information, and such authorized publications shall be competent evidence of the reports and decisions of the commission therein contained in all courts of this state, without any further proof or authentication thereof. The expense of such publication shall be ordered paid by the controller on the certificate of the chairman of said commission that the same has been incurred, and shall be payable out of any moneys in the general fund not otherwise appropriated.

Reports of
investiga-
tions.

If, in any such investigation, the commission shall determine that any party complainant is entitled to an award of damages under the provisions of this act, for a violation thereof, the commission shall make an order directing the transportation company to pay to the complainant the sum to which he is entitled, on or before a day named. If such transportation company does not comply with an order for the payment of money within the time limited in such order, the complainant, or any person for whose benefit such order was made, may file, in the superior court of the State of California, for the county in which complainant resides, or in which is located the principal operating office of the transportation company in said state, a petition setting forth, briefly, the causes for

Award of
damages
to com-
plainant.

which he claims damages, and the order of the commission in the premises. Such suit shall proceed in all respects like other civil suits for damages in said superior court, except that on the trial of said suit the findings and order of the commission shall be prima facie evidence of the facts therein stated, and either party thereto shall have the right of appeal to the supreme court as in other cases appealable thereto.

When complaints must be filed.

All complaints for the recovery of damages shall be filed with the commission within one year from the time the cause of action accrues and not after, and a petition for the enforcement of an order of the commission for the payment of money shall be filed in the superior court within six months from the date of the order and not after.

Joinder of parties.

In such suits all parties in whose favor the commission may have made an award for damages by a single order may be joined as plaintiffs, and all of the transportation companies, parties to such order, may be joined as defendants, and the venue of all such suits shall be in the county where any of such transportation companies shall have its principal operating office in the State of California.

In the case of such joint suit, the recovery, if any, may be by judgment in favor of any one of such plaintiffs, against the defendant found to be liable to such plaintiff.

Orders, how served.

Every order of the commission shall be forthwith served by mailing the same to any one of the principal officers, or agents, or members of the transportation company at its principal operating office in this state, and the registry mail receipt shall be prima facie evidence of the receipt of such order by the transportation company in due course of mail.

The commission shall be authorized to suspend or modify its orders upon such notice and in such manner as it shall deem proper.

Authority to prescribe just rates.

SEC. 22. The commission is authorized and it shall be its duty whenever, after full hearing upon a complaint made as provided in section 20 of this act, or upon complaint of any transportation company subject to the provisions of this act, it shall be of the opinion that any of the rates or charges demanded, charged or collected by any transportation company or companies subject to the provisions of this act, for transportation services, or that any regulations or practices of said companies affecting such rates or charges, whether in respect to the complainants mentioned in said section 20, or in respect to any such transportation company itself, are unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of, or contrary to, any of the provisions of this act, to determine and prescribe what will be the just and reasonable rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged; and what regulation or practice in respect to such transportation is just, fair and reasonable to be thereafter followed; and to make an order that the transportation company shall cease and desist from such violation of the act, to the extent to which the commission find the

same to exist, and shall not thereafter publish, demand or collect any rate or charge for such transportation service in excess of the maximum rate or charge so prescribed, and shall conform to the regulation or practice so prescribed, and to make, in proper cases, an order in respect to such rate or charges, or such regulations or practices, where the transportation company is complainant, and shall prescribe the just and reasonable rate or rates, charge or charges, to be thereafter observed by such transportation company as the maximum to be charged, and what regulation or practice in respect to such transportation services is just, fair and reasonable to be thereafter followed by the said transportation company.

All orders of the commission, except orders for the payment of money, shall take effect on the twentieth day after service, as provided in section 16 hereof, and shall continue in force for such time not exceeding one year, as shall be prescribed in the order of the commission, unless the same shall be suspended or modified or set aside by the commission, or be suspended or set aside by a court of competent jurisdiction.

When
orders
become
effective.

The superior court of the State of California shall be such court of competent jurisdiction, and the venue of suits brought in any superior court of said state against the commission, to enjoin, set aside, annul or suspend any order or requirement of the commission, shall be in the county where the transportation company against which such order or requirement may have been made has its principal operating office in the State of California, and may be brought at any time after such order is promulgated. If said order or requirement has been made against two or more transportation companies, such venue shall be in the county where any one of said transportation companies has its principal operating office in the State of California, and jurisdiction to hear and determine such suits is hereby vested in said superior court. An appeal to the supreme court of the State of California may be taken from any interlocutory order or decree granting or continuing an injunction in any suit, but such appeal must be taken within thirty days from the entry of such order or decree, and it shall take precedence in the appellate court over all other causes except causes of like character and criminal causes.

Venue.

Appeals.

SEC. 23. If any transportation company fails or neglects to obey any order of the commission, other than for the payment of money, while the same is in effect, any party injured thereby, or the commission in its own name, may apply to the superior court of the State of California for the county where such transportation company has its principal operating office in the State of California for an enforcement of such order. Said application shall be by petition, which shall state the substance of the order and the respect in which the transportation company has failed of obedience, and shall be served upon the company in such manner as the court shall direct, and the court shall prosecute such inquiries and make such investigations through such means as it shall deem needful in

Failure to
obey order
of commis-
sion.

the ascertainment of the facts at issue or which may arise upon the hearing of such petition. If, upon such hearing as the court may determine to be necessary, it appears that the order was regularly made and duly served, and that the transportation company is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction, or other proper process, mandatory or otherwise, to restrain such company, its officers, agents or representatives from further disobedience of such order, or to enjoin upon it, or them, obedience to the same; and in the enforcement of such process the court shall have those powers ordinarily exercised by it in compelling obedience to its writs of injunction and mandamus. From any action upon such petition an appeal shall lie by either party to the supreme court of the State of California, and in such court the cause shall have priority in hearing and determination over all other causes except criminal causes, but such appeal shall not vacate or suspend the order appealed from.

Applica-
tion for re-
hearing.

SEC. 24. After a decision, order or requirement has been made by the commission in any proceeding, any party thereto may at any time make application for rehearing of the same, or any matter determined therein, and the commission may, in its discretion, grant such a rehearing if sufficient reason therefor be made to appear. Applications for rehearing shall be governed by such reasonable rules as the commission may establish. No such application shall excuse any transportation company subject to the provisions of this act from complying with or from obeying any decision, order, or requirement of the commission, or operate in any manner to stay or postpone the enforcement thereof, without the special order of the commission.

Proceed-
ings on
rehearing.

In case a rehearing is granted, the proceedings thereon shall conform as nearly as may be to the proceedings in an original hearing, except as the commission may otherwise direct; and if, in its judgment, after such rehearing and the consideration of all facts including those arising since the former hearing, it shall appear that the original decision, order or requirement is in any respect unjust or unwarranted, the commission may reverse, change or modify the same accordingly. Any decision, order or requirement made after such rehearing, reversing, changing or modifying the original determination, shall be subject to the same provisions as an original order.

Commis-
sion may
investi-
gate on
own mo-
tion.

SEC. 25. Whenever the commission shall believe that any rate or charge for transportation is unjust or unreasonable, or unjustly discriminatory or unduly preferential, or that any service in the matter of such transportation is inadequate or that anything has been done or omitted to be done by any common carrier subject to the provisions of this act in contravention to the provisions thereof or of the constitution and that investigation relating thereto should be made, it may, upon its own motion, investigate the same. Before making such investigation, it shall furnish the transportation company concerned

a statement in writing setting forth the rate or charge or service to be investigated. Thereafter, on ten days' notice to such transportation company of the time and place of said investigation, the commission may proceed to investigate such rate or charge or service in the same manner and make like orders in respect thereto as if such investigation had been made on complaint.

SEC. 26. Any party authorized by this act to be complainant in any investigation before the commission, or subject to be defendant therein, may, in the discretion of the commission, be permitted to intervene in any such investigation where said party has an interest in the matter under investigation in the success of either complainant or defendant, or an interest against both. In any such investigation before the commission, any party thereto, or the commission, may in the investigation 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.

Who may
intervene.

SEC. 27. The commission shall have the power to adopt rules to govern its proceedings, and to regulate the mode and manner of all investigations of transportation companies and other parties before it, in the establishment of rates, rules, regulations, or in the making of orders and in the doing of other acts required of it under this act.

Rules of
procedure

SEC. 28. The chairman and each of the commissioners, for the purposes of this act, shall have power to administer all oaths, certify to all official acts, and to compel the attendance of witnesses and the production of books, papers and testimony.

Oaths, who
may ad-
minister.

SEC. 29. In all investigations under this act the burden of proof shall be upon the complainant.

Burden of
proof.

SEC. 30. All evidence taken before the commission in the investigation of any breach of this act, when reduced to writing, may be used by any party thereto as evidence upon the trial of any cause or proceeding growing out of the same transaction against such transportation company, involving the same subject-matter, and between the same parties, to the same extent as a deposition in a civil case. The commissioners are authorized to employ a phonographic reporter for the purpose of taking and transcribing such testimony whenever such commission shall deem it necessary, or whenever they shall be requested to do so by any party to the proceedings, and a certified copy under the hand and seal of said commission shall be sufficient proof of such testimony in any cause or proceeding in which the same shall be admissible as herein provided.

Evidence.

SEC. 31. All charges made for any service rendered or to be rendered in the transportation of passengers or property, or in connection therewith, by transportation companies subject to the provisions of this act, shall be just and reasonable, and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful.

Charges
must be
reason-
able.

31a. The railroad commission shall investigate the cause

Accident-
investiga-
tion of.

of all accidents on any railroad within the state which result in loss of life or injury to persons or property, and which in its judgment shall require investigation. Every common carrier and railroad corporation is hereby required to give immediate notice to the commission of every accident happening upon any line of railroad owned, operated, controlled or leased by it in such manner as the commission may direct. Such notice shall not be admitted as evidence or used for any purpose against such common carrier or railroad corporation giving such notice in any suit or action for damages growing out of any matter mentioned in said notice.

Switch
connec-
tions.

31b. A railroad corporation, upon the application of any shipper tendering traffic for transportation, shall construct, maintain and operate upon reasonable terms a switch connection or connections with a lateral line of railroad or private sidetrack owned, operated or controlled by such shipper, and shall, upon the application of any shipper, provide upon its own property a sidetrack and switch connection with its line of railroad, whenever such sidetrack and switch connection is reasonably practicable, can be put in with safety, and the business therefor is sufficient to justify the same.

If any railroad corporation shall fail to install or operate any such switch connection with a lateral line of railroad or any such sidetrack and switch connection as aforesaid, after written application therefor has been made to it, any corporation or person interested may present the facts to the railroad commission by written petition, and the commission shall investigate the matter stated in such petition, and give such hearing thereon as it may deem necessary or proper. If the commission be of opinion that it is safe and practicable to have a connection, substantially as prayed for, established or maintained, and that the business to be done thereon justifies the construction and maintenance thereof, it shall make an order directing the construction and establishment thereof, specifying the reasonable compensation to be paid for the construction, establishment, and maintenance thereof, and may in like manner upon the application of the railroad corporation order the discontinuance of such switch connection.

Continu-
ous car-
riage re-
quired.

31c. No common carrier shall enter into or become a party to any combination, contract, agreement or understanding, written or oral, express or implied, to prevent by any arrangement or by change of arrangement of time schedule, by carriage in different cars or by any other means or device whatsoever the carriage of freight and property from being continuous from the place of shipment to the place of destination. No breakage of bulk, stoppage or interruption of carriage made by any common carrier shall prevent the carriage of freight and property from being treated as one continuous carriage from the place of shipment to the place of destination. Nor shall any such breakage of bulk, stoppage or interruption of carriage be made or permitted by any common carrier except it be done in good faith for a necessary purpose without inten-

tion to avoid or unnecessarily interrupt or delay the continuous carriage of such freight or property or to evade any of the provisions of law, of this act or of any order of the railroad commission.

31d. No common carrier, subject to the provisions of this act, shall charge or receive any greater compensation in the aggregate for the transportation of passengers or of a like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any such common carriers to charge and receive as great a compensation for a shorter as for a longer distance haul. Short haul charges.

SEC. 32. If any transportation company, or any officer or agent of any transportation company subject to this act, shall hereafter willfully charge, collect, demand or receive from any person, firm or corporation a greater rate, charge or compensation than the rate, charge or compensation published as in this act provided, such transportation company or such officer or agent thereof, as the case may be, shall be deemed guilty of extortion, which is hereby declared a misdemeanor, and on conviction thereof shall be fined in a sum not less than five hundred dollars and not more than five thousand dollars. "Extortion" defined.

SEC. 33. If any transportation company subject hereto shall, directly or indirectly, by any special rate, rebate, drawback, or other practice, method or device, charge, demand, collect or receive from any person, company, firm or corporation, a greater or less compensation for any service rendered, or to be rendered by it in the transportation of passengers or freight, than it charges, demands, collects or receives from any other person, company, firm or corporation for doing a like and contemporaneous service in the transportation of a like kind of traffic, under substantially similar circumstances and conditions, such transportation company shall be deemed guilty of unjust discrimination, which is hereby prohibited. Rebates.

SEC. 34. It shall also be unjust discrimination for any such transportation company to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or to any particular description of traffic, in any respect whatsoever, or to subject any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation or locality, or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever. Undue preference.

SEC. 34½. Any transportation company guilty of unjust discrimination, as defined in this act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than five hundred dollars, and not more than five thousand dollars. Every officer and agent of any such company who shall violate, or who procures, aids or abets any violation by such company of any of the provisions of sections 33 and 34 of this act shall be guilty of a misdemeanor. Penal clause.

Inter-
change of
traffic.

SEC. 35. All transportation companies subject to the provisions of this act shall, according to their respective powers, afford all reasonable, proper and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and delivery of passengers and property to and from their several lines and those connected therewith, and shall not discriminate in their rates and charges between such connecting lines; but this shall not be construed as requiring any such transportation company to give the use of its tracks or terminal facilities to another transportation company engaged in like business.

False
billing.

SEC. 36. Any officer or agent of any transportation company subject to this act who by means of false billing, false classification, false weight, or by any other device, shall willfully suffer or permit any person or persons to obtain transportation for property at less than the published rates then in force, or who, by means of false billing, false classification, false weighing, or by any device whatever shall willfully charge any person, firm or corporation more for the transportation of property than the published rates, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum of not less than five hundred dollars and not more than five thousand dollars.

Company
responsi-
ble for act
of agent.

SEC. 37. The act, omission or failure of any officer, agent or other person acting for or employed by any transportation company subject to the provisions of this act, or shipper, acting within the scope of his employment, shall, in every case, be also deemed to be the act, omission or failure of such transportation company or shipper, as well as that of the person. The willful failure upon the part of any transportation company subject to the provisions of this act to file and publish the tariff or rates and charges as required by this act, shall be a misdemeanor, and upon conviction thereof the transportation company offending shall be subject to a fine of not less than five hundred dollars and not more than five thousand dollars.

Soliciting
favors of
company
by shipper.

It shall be unlawful for any person, persons or corporation willfully to offer, grant or give, or to solicit, accept or receive any advantage or discrimination in respect to the transportation of any property in the intra-state commerce of this state, whereby any such property shall, by any device whatever, be transported at a less rate than that named in the tariffs published and filed by such transportation company as required by this act, or whereby any other advantage is given or discrimination practiced. Every person or corporation who shall so offer, grant or give, or shall so solicit, accept or receive any such advantage or discrimination shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than five hundred dollars and not more than five thousand dollars; except that where the advantage given or discrimination practiced shall be in the transportation at a less rate, as aforesaid, than the

published tariff rate, the penalty on conviction shall be a fine of not less than one thousand dollars and not more than five thousand dollars.

Every offense created by this act shall be prosecuted in a court having jurisdiction of offenses within the city, city and county, or county in which such offense was committed; and whenever the offense is begun in one jurisdiction and completed in another, it may be proceeded against in either.

SEC. 38. In case any transportation company subject to this act, or any person or corporation within the provisions hereof, shall do, cause to be done, or permit to be done, except unintentionally or innocently through a mistake of fact, any matter, act or thing in this act prohibited or declared to be unlawful, or shall similarly omit to do any act, matter or thing herein required by this act to be done, such transportation company, person, or corporation shall be liable to the penalties hereinbefore provided for, and shall, in addition, be liable to the person or persons, firm or corporation injured by such act or omission for the damages proximately resulting therefrom; and in addition to such damages, such transportation company, in all cases where the same shall be guilty of extortion or unjust discrimination as defined in this act, shall pay to such person, firm or corporation so injured a penalty of not less than five hundred dollars and not more than five thousand dollars.

Liability
for dam-
ages.

SEC. 39. 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 every transportation company issuing free passes or tickets at a discount in violation of the provisions of this section shall be deemed guilty of a misdemeanor, and for each offense shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars.

Free
passes.

SEC. 40. In all actions between private parties and transportation companies subject to the provisions of this act, in respect to any rate, charge, order, rule or regulation published as required by this act, the published rate, charge, order, rule or regulation shall be deemed to be just and reasonable, and shall not be open to controversy except in and by way of such proceedings for that purpose before the commission and the courts as are provided for in this act.

Published
rate to be
deemed
just.

SEC. 40a. The said commission is hereby authorized and directed when public interests require, to file petitions for investigations, or complaint or complaints, with the interstate commerce commission, and to file such suit or suits, in tribunals or courts of competent jurisdiction as are permitted under the terms of what is known as the interstate commerce act, complaining of anything done, or omitted to be done by common carriers subject to the provisions of the interstate commerce act. Said board is also hereby authorized and instructed to file petitions for investigations, or complaint, or complaints, and to commence such suit or suits, in tribunals, or courts of competent jurisdiction, complaining of the order, or orders, of

Investiga-
tions by
interstate
commerce
commis-
sion.

any transcontinental railroad company, or other common carriers, either railroad or steamship, raising freight rates, or entering into contracts or combinations to raise, or maintain rates, or to take any action that will prevent competition, to and from, or to or from, California points to points in the United States outside of California. The attorney general is hereby directed to represent said board and the people of the State of California, in any proceeding commenced under the provisions of this section.

Coöpera-
tion with
interstate
commerce
commis-
sion.

SEC. 40c. The said commission is hereby empowered and directed to coöperate with the interstate commerce commission in the investigation of discriminations in charges of facilities for transportation of passengers or freight made by any railroad or other transportation company, between places or persons, or in the facilities for the transportation of the same classes of passengers or freight within this state, or coming from or going to any other state, and to that end and for either of said purposes shall arrange for joint meetings with the interstate commerce commission or any section thereof in the various commercial and industrial centers of this state.

Sessions of
state
board, to
be held
where.

SEC. 40d. The state board of railroad commissioners shall meet and hold a session of such board for the purpose of investigating any discriminations, or any complaint of any citizen of this state, against any railroad or other transportation company at least once every six months, commencing May 1, 1909, at each of the following cities: San Francisco, Los Angeles, San Diego, Stockton, Sacramento, Oakland, Fresno, San Jose, Santa Barbara, Redding, Bakersfield, Marysville, San Bernardino and Eureka, and at such other cities or towns in counties other than those in which the cities hereinabove named are respectively situated, when a petition for a meeting of such board is filed with the secretary thereof by ten shippers. Notice of such meetings shall be given by said board by advertising same for a period of one week in one or more daily newspapers published in the city and county of San Francisco, and for a like period in a daily newspaper in the county where any meeting is to be held if there be one published therein, if not, then for a period of two weeks in a weekly newspaper published therein. Such notice shall contain a request for the public interested in transportation matters to appear and present any complaints or file petitions for better facilities or for reduction of rates. At such meetings testimony may be taken in support of such complaint or petition. If demanded by any railroad or other transportation company, affected by such complaint or petition, the board may hear such testimony as such company may present; whereupon such board shall take such proceedings on such complaint or petition as may be authorized by the constitution and laws of this state. The testimony taken at all hearings of such board authorized by the provisions of this act shall be reduced to writing, and a copy of the same shall be reported to the legislature at the beginning of each regular session thereof.

SEC. 41. The words "commission," "commissioners" and "railroad commission," as used in this act, shall be construed as meaning the board of railroad commissioners of the State of California, and the word "commissioner" as used in this act shall be construed as meaning any one of the members of the board of railroad commissioners of the State of California.

Construction of certain words.

SEC. 42. This act shall be construed and held to apply only to the transportation of property and passengers within the State of California.

SEC. 43. An act entitled "An act to create the office of commissioner of transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freights on certain railroads, and to prevent extortion and unjust discrimination thereon," approved April 1, 1878, and also an act entitled "An act to organize and define the powers of the board of railroad commissioners," approved April 15, 1880, and all acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

Repeal of certain acts.

SEC. 44. This act shall take effect immediately.

CHAPTER 313.

An act to amend sections four hundred and thirty-nine and four hundred and forty of the Political Code, relating to the employees in the controller's office and the salaries paid to such employees.

[Approved March 19, 1909.]

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

SECTION 1. Section 439 of the Political Code is hereby amended to read as follows:

439. The controller may appoint one deputy controller, one bookkeeper, one expert, one statistician, one warrant registrar, and three clerks, who shall be civil executive officers; and one stenographer.

Assistants to controller.

SEC. 2. Section 440 of the Political Code is hereby amended to read as follows:

440. The annual salary of the deputy controller is three thousand dollars; of the bookkeeper, twenty-four hundred dollars; of the expert, two thousand dollars; of the statistician, two thousand dollars; of the warrant registrar, two thousand dollars; of one clerk, eighteen hundred dollars; of each of two clerks, sixteen hundred dollars; of the stenographer, twelve hundred dollars. All such salaries shall be paid in the same manner and at the same time as the salaries of other state officers.

Salaries of assistants.

SEC. 3. This act shall take effect immediately.

CHAPTER 314.

An act authorizing and directing the board of managers of the Napa State Hospital to remodel and furnish and refurnish the general kitchen at the Napa State Hospital and making an appropriation therefor.

[Approved March 20, 1900.]

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

Appropriation for Napa State Hospital.

SECTION 1. The sum of \$8,000.00, or so much thereof as may be necessary is hereby appropriated, to be paid to the board of managers of the Napa State Hospital for the remodeling and furnishing and refurnishing of the general kitchen at said state hospital.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the board of managers of the Napa State Hospital for the amount hereby appropriated and the treasurer to pay the same.

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

CHAPTER 315.

An act authorizing and directing the board of managers of the Napa State Hospital to complete the receiving and treatment building on the grounds of the Napa State Hospital.

[Approved March 20, 1900.]

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

Appropriation for building Napa State Hospital.

SECTION 1. The sum of thirty-five thousand dollars, or so much thereof as may be necessary is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of managers of the Napa State Hospital, which sum shall be paid for the completion of the receiving and treatment building on the grounds of the said state hospital.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the board of managers of the Napa State Hospital for the amount hereby appropriated and the treasurer to pay the same.

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

CHAPTER 316.

An act authorizing and directing the board of managers of the Napa State Hospital to complete and improve the water distributing system at the Napa State Hospital including the construction of a cement reservoir for distributing purposes and making an appropriation therefor.

[Approved March 20, 1909.]

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

SECTION 1. The sum of \$25,000.00, or so much thereof as may be necessary is hereby appropriated, to be paid to the board of managers of the Napa State Hospital for the completion and improvement of the water distributing system of the said state hospital, including the construction of a cement reservoir for distributing purposes. Appropriation for water system.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the board of managers of the Napa State Hospital for the amount hereby appropriated and the treasurer to pay the same.

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

CHAPTER 317.

An act to amend section 626f of the Penal Code, relating to the protection of deer.

[Approved March 20, 1909.]

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

SECTION 1. Section 626f of the Penal Code is hereby amended by adding at the end thereof certain words, so that said section will read as follows:

626f. Every person who between the first day of November and the fifteenth day of August of the following year, hunts, pursues, takes, or destroys, or has in his possession, whether taken or killed in the State of California, or shipped into the state, from any other state, territory, or foreign country, any male deer, or any deer meat, is guilty of a misdemeanor. Protection of male deer.

CHAPTER 318.

An act to amend section 1, of an act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the state board of fish commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches, a misdemeanor, approved March 21, 1907.

[Approved March 20, 1909.]

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

SECTION 1. Section 1. of an act entitled an act to provide for the transfer to the State of California by owners of patented lands therein. of the right to preserve and protect wild game on such patented lands: to define the duties of the state board of fish commissioners in relation to the control of such right, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches, a misdemeanor approved March 21st, 1907. is hereby amended to read as follows:

Protection
of wild
game on
patented
lands.

State game
preserve.

Close sea-
son.

Section 1: Any person, firm or corporation, owning and in possession of patented lands in the State of California, embracing an area of not less than one hundred and sixty acres, may transfer, by an instrument in writing duly acknowledged before an officer authorized under the laws of this state to take acknowledgments, to the State of California, the right to preserve and protect all wild game on the land described therein for a period of not less than one year nor more than five years. Such instrument shall be filed with the state board of fish commissioners; whereupon such board may in its discretion declare the lands described in such instrument a state game preserve, and thereafter for the period named therein, shall for all the purposes relating to the preservation and protection of wild game be under the control of said board. Such preserve shall be numbered in the order of the filing of the instrument of transfer thereof. A copy of the declaration establishing the same shall, under the seal of said board be issued to such person, firm or corporation, transferring the right therefor. During the period named in such instrument it shall be unlawful for any person to hunt, pursue, shoot, take, kill or destroy any wild game within the exterior boundaries thereof. The state board of fish commissioners shall cause to be prepared suitable notices to be posted under its direction on each state game preserve and such notice shall describe the lands constituting the same, and shall contain a warning to all persons to refrain for the period named therein from violations of the provisions of this act. *provided however, that no provision in this act*

contained, shall be construed as prohibiting or preventing any person or persons from hunting or taking fish and wild game from or on navigable water.

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

CHAPTER 319.

An act to amend sections 628, 628a, 632 1-2, 634 and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

[Approved March 20, 1909.]

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

SECTION 1. Section 628 of the Penal Code of the State of California is hereby amended to read as follows:

628. Every person who between the first day of June and the first day of September, of any year, takes, catches, kills or has in his possession any shrimp; or who at any time, offers for shipment, ships, or receives for shipment or transportation from the State of California to any place in any other state, territory, or foreign country, any dried shrimp or shrimp shells of shrimp caught or taken in the waters of this state, is guilty of a misdemeanor; *provided* that the possession of such dried shrimp or shrimp shells shall be prima facie evidence of the fact that such dried shrimp or shrimp shells are of shrimps which were caught or taken in the waters of this state; and every person who, at any time has in his possession any dressed catfish less than eight inches in length, or who at any time kills or has in his possession any sturgeon of less than twenty-five pounds in weight, or who between the first day of November and the first day of March of the year following, buys, sells, takes, catches, kills, or has in his possession, any crab, or who, at any time, buys, sells, offers for sale, takes, catches, kills, or has in his possession, any female crab, or any crabs which shall measure less than six inches across the back, or any lobster, or crawfish, or any abalones except the abalone known to commerce as the red abalone (*Haliotis rufescens*) which shall measure not less than seventeen inches around the outer edge of the shell, is guilty of a misdemeanor; *provided*, that it shall at all times be lawful for any person or persons, to buy, sell, or have in his possession any lobster or crawfish of not less than nine and one half inches in length, measured from one extremity to the other, exclusive of legs, claws, or feelers, caught or taken without the waters of this state, and bearing, after inspection, such evidence of having been so caught or taken as shall be hereafter prescribed by the California fish commission; *and provided further*, that the expense of such inspection shall be

Protection of fish.

Shrimp.

Catfish.

Sturgeon.

Shellfish.

Lobster.

borne by the person or persons importing such lobster or crawfish.

SEC. 2. Section 628a of the Penal Code of the State of California is hereby amended to read as follows:

Striped
bass.

628a. Every person who, at any time, buys, sells, offers for sale, or has in his possession, any striped bass of less than three pounds in weight; or who, between the first day of May and the first day of July of any year, takes, catches, or kills, any striped bass, with a net or seine; or who, between the first day of May and the first day of July of any year has in his possession any striped bass, taken, caught or killed except with hook and line; or who between the first day of May and the first day of July of any year, buys, sells or offers for sale, ships, offers for shipment, or receives for shipment or transportation any striped bass; or who, at any time, offers for shipment, ships, or receives for shipment or transportation from the State of California to any place in any other state, territory, or foreign country any striped bass of less than three pounds in weight, caught or taken in the waters of this state, is guilty of a misdemeanor; *provided*, that the possession of such striped bass shall be *prima facie* evidence of the fact that such striped bass were caught or taken in the waters of this state.

Export of
bass.

Penalty.

SEC. 3. Section 632½ of the Penal Code of the State of California is hereby amended to read as follows:

Steelhead
trout.

632½. Every person who, between the first day of February and the first day of April of any year, takes, catches, kills, destroys, or has in his possession, any steelhead trout; or who, between the fifteenth day of November and the first day of February of the year following, buys, sells, takes, catches, kills, or has in his possession, any steelhead trout taken above tide water, or who, at any time, takes, catches, or kills, any steelhead trout, except with hook and line; or who, has in his possession any steelhead trout which have been taken, caught, or killed, except with hook and line; or who, at any time, takes, catches, kills, or has in his possession, during any one calendar day, more than fifty steelhead trout; or who, at any time, takes, catches, kills, or has in his possession, during any one calendar day, steelhead trout, the total weight of which exceeds fifty pounds caught, taken, or killed in the waters of this state; is guilty of a misdemeanor. Every person who offers for shipment, ships, carries, transports, or receives for shipment or transportation from the State of California to any place in any state, territory, or foreign country any steelhead or other trout, caught, or taken in the waters of this state, is guilty of a misdemeanor: *provided* that the possession of such steelhead or other trout shall be *prima facie* evidence of the fact that such steelhead or other trout were caught or taken in the waters of this state. Every person found guilty of any violation of any of the provisions of this section must be fined in a sum not less than twenty dollars, or be imprisoned in the county jail in the county in which the conviction shall be had, not less than ten days, or by both such fine and imprisonment, and all fines col-

Limit of
catch.

Export of
trout.

Penalty.

lected for any violation of any of the provisions of this section must be paid into the state treasury, to the credit of the fish commission fund. Nothing in this section prohibits the United States fish commission and the fish commission of this state from taking at all times such trout as they deem necessary for the purpose of propagation or for scientific purposes.

Propagati-
tion.

SEC. 4. Section 634 of the Penal Code of the State of California is hereby amended to read as follows:

634. Every person who, between the seventeenth day of September and the twenty-third day of October of each year, takes, catches, or kills, buys, sells, offers or exposes for sale, or has in his possession, any fresh salmon; every person who, between the twenty-third day of October and the fifteenth day of November of each year, takes, catches, or kills any salmon above tide water; every person who shall cast, extend or draw, or assist in casting, extending or drawing any net or seine for the purpose of taking or catching salmon, shad or striped bass, in any of the waters of this state, at any time between sunrise of each Saturday and sunset of the following Sunday; every person who, for the purpose of catching salmon, in any of the waters of this state, fishes with or uses any seine or net, dragnet, or paranzella, any of the meshes of which are, when drawn closely together and measured inside the knot, less than six and one half inches, in length; every person who, for the purpose of catching shad or striped bass in any of the waters of the state, fishes with or uses any seine or net, dragnet, or paranzella, any of the meshes of which are, when drawn closely together and measured inside the knot, less than five and one-half inches in length, is guilty of a misdemeanor, and is punishable by a fine of not less than two hundred dollars, or by imprisonment in the county jail in the county in which the conviction shall be had, not less than one hundred and fifty days, or by both such fine and imprisonment, and all fines imposed and collected for any violations of the provisions of this section shall be paid into the fish commission fund. In the construction and meaning of this section, the limits of tide water in the Sacramento river shall be deemed to extend from its mouth to the city of Sacramento; in the San Joaquin river, from its mouth to the Southern Pacific Railroad bridge near Lathrop, in San Joaquin county; in Eel river in Humboldt county, from its mouth to east boundary line of township three (3) north range two (2) west Humboldt meridian; in the Klamath river, to a point on the river north of the residence of James McGarvey; in Smith river, in Del Norte county, from its mouth to Higgins Ferry. Nothing in this section shall prohibit the United States fish commission and the fish commission of this state from taking at all times, such fish as they deem necessary for the purpose of artificial hatching.

Fresh
salmon.

Nets and
sines.

Penalty.

Limits of
tide water.

SEC. 5. Section 636 of the Penal Code of the State of California is hereby amended to read as follows:

636. Every person who shall cast, extend, or use any seine, or net of any kind, for the catching of any fish in any river,

Use of
sines and
net-nets.

stream or slough of this state, which shall extend more than one third across the width of said river, stream, or slough at the time and place of such fishing; every person who shall cast, extend, or use, or continue, or who shall assist in casting, extending, using, or continuing, "Chinese shrimp or bag net," or a net of a similar character, for the catching of fish in the waters of this state; every person who shall cast, extend, set, use, or continue, or have in his possession, or who shall assist in casting, extending, or using "Chinese sturgeon lines," set-lines, or lines of a similar character; every person who shall set, use or continue, or shall assist in setting, using, or continuing, any pound, weir, set-net, set-line, trap, or any other fixed or permanent contrivance for catching fish in the waters of this state—and every net shall be considered a set-net that is secured in any way and not free to drift with the current or tide—is guilty of a misdemeanor, and is punishable by a fine of not less than one hundred dollars, or by imprisonment in the county jail in the county in which the conviction shall be had, not less than fifty days, or by both such fine and imprisonment; and all the fines imposed and collected for any violation of any of the provisions of this section shall be paid into the fish commission fund.

Penalty.

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

SEC. 7. This act shall take effect immediately.

CHAPTER 320.

An act to provide for the issuance and sale of state bonds to create a fund for the improvement of San Francisco harbor by the construction by the board of state harbor commissioners of wharves, piers, state railroad, spurs, betterments, and appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of five thousand dollars for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people.

[Approved March 20, 1909.]

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

Harbor
improvement,
bonds for.

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred by the board of state harbor commissioners for the erection of wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connec-

tion therewith in the city and county of San Francisco, at a cost not to exceed nine million dollars (which said wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith the board of state harbor commissioners are hereby empowered to construct and do in the manner, authorized by law and at a cost not to exceed said nine million dollars), the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare nine thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of nine million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the date of issuance thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date the second day of July, A. D. nineteen hundred and eleven, and shall be made payable on the second day of July, nineteen hundred and eighty-five. The interest accruing on such of said bonds as are sold, shall be due and payable at the office of the state treasurer on the second day of January, and on the second day of July, of each year after the sale of the same; *provided*, that the first payment of interest shall be made on the second day of July, nineteen hundred and twelve, on so many of said bonds as may have been theretofore sold. At the expiration of seventy-four years from the date of said bonds, all bonds sold shall cease to bear interest and likewise all bonds redeemed by lot shall cease to bear interest as in this act provided, and the said state treasurer shall call in, forthwith pay and cancel the same, out of the moneys in the second San Francisco seawall sinking fund provided for in this act, and he shall on the first Monday of July, nineteen hundred and eighty-five, also cancel and destroy all bonds not theretofore sold. All bonds issued shall be signed by the governor, and countersigned by the controller, and shall be endorsed by the state treasurer and the said bonds shall be so signed, countersigned and endorsed by the officers who are in office on the second day of July, 1911, and each of said bonds shall have the seal of the state stamped thereon. The said bonds signed, countersigned and endorsed and sealed as herein provided when sold shall be and constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person signing, countersigning and endorsing, or any or either of them, shall have ceased to be the incumbents of such office or offices. Each bond shall contain a clause that it is subject to redemption by lot after the year nineteen hundred and fifty.

State treasurer to prepare.

Amount of issue.

When payable.

Interest payable, when.

Interest ceases, when.

May be redeemed, when.

Interest coupons.

SEC. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to, or mutilation of the bond. Said coupons shall be consecutively numbered, and shall bear the lithographed signature of the state treasurer who shall be in office on the second day of July, 1911. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds and the issue and sale thereof to a purchaser, unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Appropriation for preparation of bonds.

SEC. 3. The sum of five thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the San Francisco harbor improvement fund on controller's warrants, duly drawn for that purpose.

Shall be sold, how.

SEC. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be by the state treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as said treasurer shall be directed by the governor of the state, under seal thereof, after a resolution requesting such sale shall have been adopted by the board of state harbor commissioners, and approved by either the governor of the state or mayor of the city and county of San Francisco, who shall only approve the same when in their judgment the actual harbor receipts, and those reasonably anticipated, will justify such sale of bonds and the consequent increased burden on harbor receipts; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date; and he may, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select. Before offering any of said bonds for sale the said treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for such sale. Due notice of the time and place of sale of all bonds must be given by said treasurer by publication in two newspapers published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland, and by publication in one newspaper published in the city of Los Angeles, and by publication in one newspaper published in the city of Sacramento, once a week during four weeks prior to such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars (\$500.00) for each sale so advertised. The cost of such publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose. The proceeds of the sale of such bonds except such amount as may have been

Publication of notice of sale.

Disposition of proceeds of sale.

paid as accrued interest thereon shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund to be known and designated as the "Second San Francisco seawall fund" and must be used exclusively for the construction of wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith on the water front of the city and county of San Francisco. Drafts and warrants upon said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the San Francisco harbor improvement fund. The amount that shall have been paid at the sale of said bonds as accrued interest on the bonds sold shall be, by the state treasurer, immediately after such sale, paid into the treasury of the state and placed in the "Second San Francisco seawall sinking fund."

SEC. 5. For the payment of the principal and interest of said bonds a sinking fund, to be known and designated as the "Second San Francisco seawall sinking fund" shall be, and the same is hereby created, as follows, to wit: The state treasurer, after the second day of July, nineteen hundred and twenty-nine, shall on the first day of each and every month thereafter, after the sale of said bonds, take from the San Francisco harbor improvement fund such sum as, multiplied by the time in months, the bonds then sold and outstanding have to run, will equal the principal of the bonds sold and outstanding at the time said treasurer shall so take said sum from said San Francisco harbor improvement fund, less the amount theretofore taken therefrom for said purpose; and he shall place the sum in the second San Francisco seawall sinking fund created by this act. Said state treasurer shall, on controller's warrants duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, or of the State of California, or of the several counties or municipalities of the State of California, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must keep always on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold. And to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the San Francisco harbor improvement fund, and pay into said seawall sinking fund, an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding. The board of state harbor commissioners are hereby authorized and directed by the collection of dockage, tolls, rents, wharfage and cranage to collect a sum of money sufficient for the purposes of this act, over and above the amount limited by section two thousand five hundred and twenty-six of the Political Code of the State of California. Between the first and tenth day of May, in the year nineteen hundred and fifty-one and between the first and tenth day of May

Sinking
fund.

Employ-
ment of
moneys in
sinking
fund.

Provision
for pay-
ment of
interest.

Drawing of
bonds by
lot for re-
demption.

of each year thereafter until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund at that time, and shall thereupon and before the tenth day of June following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the city and county of San Francisco, and also in one newspaper published in the city of Oakland, and also in one newspaper published in the city of Los Angeles, and also in one newspaper published in the city of Sacramento, stating the number of bonds so drawn and that the principal of said bonds will be paid on presentation to the treasurer on or before the second day of July, following, and that from and after such last named date, all interest upon bonds thus drawn shall cease, and it shall be the duty of the treasurer as soon as said bonds so drawn by lot are surrendered to him and paid to cancel the same, and the interest coupons thereon, and each year beginning with the year nineteen hundred and fifty-one, the said treasurer shall, in the manner aforesaid, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund, and proceed in the manner hereinabove stated. After the payment of all said bonds, the surplus or balance remaining in said sinking fund, if any there be, shall forthwith be paid into the San Francisco harbor improvement fund. At the time of the respective drawings by lot, as aforesaid, and also at the maturity of said state bonds, said treasurer shall sell the United States or other bonds then in said sinking fund, at governing market rates, after advertising the sale thereof in the manner hereinbefore provided for the sale of bonds hereby authorized to be issued, and shall use the proceeds for the payment of such bonds as may be drawn by lot, and at the maturity of said bonds outstanding shall pay and redeem said matured outstanding bonds out of said moneys in said fund in extinguishment of said bonds on controller's warrants duly drawn for that purpose.

Surplus,
disposition of.

Controller and treasurer to report to governor.

SEC. 6. The state controller and the state treasurer shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

Payment of interest.

SEC. 7. It shall be the duty of the state treasurer to pay the interest of said bonds, when the same falls due, out of the sinking fund provided for in this act, on controller's warrants duly drawn for that purpose.

SEC. 8. This act, if adopted by the people, shall take effect on the thirty-first day of December, nineteen hundred and ten, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

When act
to take
effect.

SEC. 9. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be holden in the month of November, nineteen hundred and ten, and all ballots at said election shall have printed thereon and at the end thereof, the words, "For the San Francisco Harbor Improvement Act of 1909," and in the same square under said words the following, in brevier type: "This act provides for the improvement of San Francisco harbor and for the payment of all costs thereof out of San Francisco harbor improvement fund." In the square immediately below the square containing said words, there shall be printed on said ballot the words: "Against the San Francisco Harbor Improvement Act of 1909," and immediately below said words "Against the San Francisco Harbor Improvement Act of 1909" in brevier type shall be printed "This act provides for the improvement of San Francisco harbor and for the payment of all costs thereof out of the San Francisco harbor improvement fund." Opposite the words "For the San Francisco Harbor Improvement Act of 1909" and "Against the San Francisco Harbor Improvement Act of 1909," there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the San Francisco Harbor Improvement Act of 1909," and all those voting against the said act shall do so by placing a cross opposite the words "Against the San Francisco Harbor Improvement Act of 1909." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Shall be
submitted
to people
for ratifi-
cation.

SEC. 10. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof: but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

Canvass of
vote.

SEC. 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, nine-

Publica-
tion of act
by secre-
tary of
state.

teen hundred and ten, the costs of publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose.

Name of act.

SEC. 12. This act may be known and cited as the "San Francisco Harbor Improvement Act of 1909."

SEC. 13. All acts and part of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 321.

An act to regulate the issue of bonds of school districts in cities of the fifth class, and school districts partly within and partly without such cities of the fifth class.

[Approved March 20, 1909.]

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

School bonds, in cities of fifth class.

SECTION 1. The board of education of any school district in a city of the fifth class, or of any school district which embraces territory, a portion of which is within and a portion of which is without such city of the fifth class, may, when in their judgment it is advisable, and must when requested by the board of trustees of such city, call an election and submit to the electors of the district whether the bonds of such district shall be issued and sold for the purpose of raising money to purchase school lots, and for building or purchasing or repairing one or more schoolhouses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes.

Election, how called.

SEC. 2. Such election must be called by posting notices, signed by the board of education, in three of the most public places in the district, for not less than twenty days before the election, and by publishing such notices in some newspaper published in such city, not less than once a week for three successive weeks.

Notice to contain, what.

SEC. 3. Such notices must contain:

1. The time and place of holding such election.
2. The names of one inspector and two judges in each voting precinct in said district, to conduct the same.
3. The hours during the day, not less than six hours, in which the polls will be open.

The amount and denomination of the bonds, the rate of interest, and the number of years, not exceeding forty, the whole or any part of said bonds are to run.

General election law to govern.

SEC. 4. Such election shall be held, in all respects as nearly as practicable, in conformity with the general election law: *provided*, that no particular form of ballot shall be required.

excepting that the words to appear on the ballots, which shall be "Bonds—Yes," or "Bonds—No"; nor shall any informalities, not amounting to fraud in conducting such election, invalidate the same.

SEC. 5. On the seventh day after said election, at one o'clock P. M., the returns having been made to the board of education, the board must meet and canvass said returns, and if it appears that two thirds of the votes cast at said election were in favor of issuing such bonds, then the board shall cause an entry of that fact to be made upon its minutes, and shall certify to the board of supervisors of the county in which said district is located, the proceedings had in the premises; and thereupon said board of supervisors shall be and they are hereby authorized and directed to issue the bonds of such district to the number and amount provided in such proceedings, payable out of the bond fund of such district (naming the same), and that the money shall be raised by taxation upon the taxable property in said district for the redemption of said bonds, and the payment of the interest thereon; *provided*, that the total amount of bonds so issued shall not exceed five per cent of the taxable property of the district, as shown by the last equalized assessment of the property in such school district.

Canvass of returns.

SEC. 6. The board of supervisors, by an order entered upon its minutes, shall prescribe the form of said bonds, and of the interest coupons attached thereto, and must fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than forty years from the date thereof.

Form of bond.

SEC. 7. Said bonds must be payable in gold coin of the United States, must be signed by the president of the board of supervisors, and countersigned by the clerk of the county, who must affix the county seal thereto; must not bear a greater rate of interest than eight per cent, said interest to be payable semi-annually in like gold coin; and said bonds must be sold in the manner prescribed by the board of supervisors, but for not less than par, in gold coin of the United States, and the proceeds of the sale thereof must be deposited in the county treasury to the credit of the building fund of said school district, and be drawn out for the purpose aforesaid, as other school moneys are drawn out.

How sold; interest rate.

SEC. 8. The county board of supervisors shall annually, at the time of levying taxes for county purposes, levy a tax upon the taxable property within such district, sufficient to pay the annual interest on such bonds and to pay the principal in equal annual installments; but the order directing the issue of bonds may prescribe that the payment of the principal may be deferred for not more than five years. All moneys so collected shall be paid into the county treasury and used for the payment of interest and principal of such bonds, and for no other purpose. The county auditor shall issue his warrant for the payment of interest and installments, and cancel all coupons and bonds redeemed and file them with the

Tax levy.

county treasurer. The provisions of this section shall, so far as applicable, govern any bonds that may have been heretofore issued by such school districts.

Guarantee
to bond
holder.

SEC. 9. If payment of any coupon or bond lawfully issued by any such school district should, after presentation and demand of payment at the office of the county treasurer, be refused, the owner may file such bond, together with all unpaid interest coupons, with the state controller, taking his receipt therefor, and the same shall be registered in the state controller's office; and the state board of equalization shall, at their next session, and at each annual equalization thereafter, add to the state tax to levied in said district a sufficient rate to raise the amount of principal and interest past due prior to the next levy, and the same shall be levied and collected as a part of the state tax, and paid into the state treasury, and passed to the special credit of such district bond tax, and shall be paid by warrants, as the payments mature, to the holder such registered obligations, as shown by the register in the office of the state controller, until the same shall be fully satisfied and discharged; any balance then remaining shall be transmitted to the treasurer of the county in which is situated the district by which such bonds were issued, and shall be placed by the county treasurer to the credit of the general school fund of said district.

CHAPTER 322.

An act to amend section four thousand and six of the Political Code of the State of California relating to the classification of counties, and creating a new class to be known as the thirty-sixth and one half class.

[Approved March 20, 1900.]

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

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

Classification
of
counties.

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

San
Francisco.

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

Los
Angeles.

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

- Counties containing a population of one hundred thousand and under one hundred and fifty thousand shall belong to and be known as counties of the third class. Alameda.
- Counties containing a population of fifty thousand and under one hundred thousand shall belong to and be known as counties of the fourth class. Santa Clara.
- Counties containing a population of forty thousand and under fifty thousand shall belong to and be known as counties of the fifth class. Sacramento.
- Counties containing a population of thirty-eight thousand and under forty thousand shall belong to and be known as counties of the sixth class. Sonoma.
- Counties having a population of thirty-six thousand and under thirty-eight thousand shall belong to and be known as counties of the seventh class. Fresno.
- Counties having a population of thirty-five thousand four hundred and under thirty-six thousand shall belong to and be known as counties of the eighth class. San Joaquin.
- Counties having a population of thirty-five thousand and under thirty-five thousand four hundred shall belong to and be known as counties of the ninth class. San Diego.
- Counties having a population of twenty-seven thousand four hundred and under thirty-five thousand shall belong to and be known as counties of the tenth class. San Bernardino.
- Counties having a population of twenty-seven thousand and under twenty-seven thousand four hundred shall belong to and be known as counties of the eleventh class. Humboldt.
- Counties having a population of twenty-four thousand and under twenty-seven thousand shall belong to and be known as counties of the twelfth class. Solano.
- Counties having a population of twenty-one thousand and under twenty-four thousand shall belong to and be known as counties of the thirteenth class. Santa Cruz.
- Counties having a population of twenty thousand and under twenty-one thousand shall belong to and be known as counties of the fourteenth class. Mendocino.
- Counties having a population of nineteen thousand five hundred and under twenty thousand shall belong to and be known as counties of the fifteenth class. Orange.
- Counties having a population of nineteen thousand and under nineteen thousand five hundred shall belong to and be known as counties of the sixteenth class. Monterey.
- Counties having a population of eighteen thousand five hundred and under nineteen thousand shall belong to and be known as counties of the seventeenth class. Santa Barbara.
- Counties having a population of eighteen thousand two hundred and under eighteen thousand five hundred shall belong to and be known as counties of the eighteenth class. Tulare.
- Counties having a population of eighteen thousand and under eighteen thousand two hundred shall belong to and be known as counties of the nineteenth class. Contra Costa.
- Counties having a population of seventeen thousand eight hundred and under eighteen thousand shall belong to and be known as counties of the twentieth class. Riverside.

- Nevada.** Counties having a population of seventeen thousand five hundred and under seventeen thousand eight hundred shall belong to and be known as counties of the twenty-first class.
- Shasta.** Counties having a population of seventeen thousand three hundred and under seventeen thousand five hundred and fifty shall belong to and be known as counties of the twenty-second class.
- Butte.** Counties having a population of seventeen thousand and under seventeen thousand three hundred shall belong to and be known as counties of the twenty-third class.
- Siskiyou.** Counties having a population of sixteen thousand seven hundred and fifty and under seventeen thousand shall belong to and be known as counties of the twenty-fourth class.
- San Luis Obispo.** Counties having a population of sixteen thousand five hundred and under sixteen thousand seven hundred and fifty shall belong to and be known as counties of the twenty-fifth class.
- Kern.** Counties having a population of sixteen thousand four hundred and seventy-five and under sixteen thousand five hundred shall belong to and be known as counties of the twenty-sixth class.
- Napa.** Counties having a population of sixteen thousand and under sixteen thousand four hundred and seventy-five shall belong to and be known as counties of the twenty-seventh class.
- Placer.** Counties having a population of fifteen thousand seven hundred and fifty and under sixteen thousand shall belong to and be known as counties of the twenty-eighth class.
- Marin.** Counties having a population of fifteen thousand and under fifteen thousand seven hundred and fifty shall belong to and be known as counties of the twenty-ninth class.
- Ventura.** Counties having a population of fourteen thousand and under fifteen thousand shall belong to and be known as counties of the thirtieth class.
- Yolo.** Counties having a population of thirteen thousand and under fourteen thousand shall belong to and be known as counties of the thirty-first class.
- San Mateo.** Counties having a population of twelve thousand and under thirteen thousand shall belong to and be known as counties of the thirty-second class.
- Calaveras.** Counties having a population of eleven thousand one hundred and seventy-five and under twelve thousand one hundred shall belong to and be known as counties of the thirty-third class.
- Tuolumne.** Counties having a population of eleven thousand one hundred and fifty and under eleven thousand one hundred and seventy-five shall belong to and be known as counties of the thirty-fourth class.
- Amador.** Counties having a population of eleven thousand and under eleven thousand one hundred and fifty shall belong to and be known as counties of the thirty-fifth class.
- Tehama.** Counties having a population of ten thousand five hundred and under eleven thousand shall belong to and be known as counties of the thirty-sixth class.

Counties having a population of ten thousand and under ten thousand five hundred shall belong to and be known as counties of the thirty-sixth and one-half class. Imperial.

Counties having a population of nine thousand seven hundred and fifty and under ten thousand shall belong to and be known as counties of the thirty-seventh class. Kings.

Counties having a population of nine thousand five hundred and under nine thousand seven hundred and fifty shall belong to and be known as counties of the thirty-eighth class. Stanislaus.

Counties having a population of nine thousand and under nine thousand five hundred shall belong to and be known as counties of the thirty-ninth class. Merced.

Counties having a population of eight thousand seven hundred and fifty and under nine thousand shall belong to and be known as counties of the fortieth class. El Dorado.

Counties having a population of eight thousand and under eight thousand seven hundred and fifty shall belong to and be known as counties of the forty-first class. Yuba.

Counties having a population of seven thousand and under eight thousand shall belong to and be known as counties of the forty-second class. Colusa.

Counties having a population of six thousand five hundred and under seven thousand shall belong to and be known as counties of the forty-third class. San Benito.

Counties having a population of six thousand two hundred and fifty and under six thousand five hundred shall belong to and be known as counties of the forty-fourth class. Madera.

Counties having a population of six thousand and under six thousand two hundred and fifty shall belong to and be known as counties of the forty-fifth class. Lake.

Counties having a population of five thousand five hundred and under six thousand shall belong to and be known as counties of the forty-sixth class. Sutter.

Counties having a population of five thousand one hundred and under five thousand five hundred shall belong to and be known as counties of the forty-seventh class. Glenn.

Counties having a population of five thousand and under five thousand one hundred shall belong to and be known as counties of the forty-eighth class. Modoc.

Counties having a population of four thousand seven hundred and under five thousand shall belong to and be known as counties of the forty-ninth class. Mariposa.

Counties having a population of four thousand six hundred and under four thousand seven hundred shall belong to and be known as counties of the fiftieth class. Plumas.

Counties having a population of four thousand five hundred and under four thousand six hundred shall belong to and be known as counties of the fifty-first class. Lassen.

Counties having a population of four thousand three hundred and eighty and under four thousand five hundred shall belong to and be known as counties of the fifty-second class. Trinity.

Counties having a population of four thousand two hundred and under four thousand three hundred and eighty shall belong to and be known as counties of the fifty-third class. Inyo.

- Sierra.** Counties having a population of four thousand and under four thousand two hundred shall belong to and be known as counties of the fifty-fourth class.
- Del Norte.** Counties having a population of two thousand two hundred and under four thousand shall belong to and be known as counties of the fifty-fifth class.
- Mono.** Counties having a population of two thousand and under two thousand two hundred shall belong to and be known as counties of the fifty-sixth class.
- Alpine.** Counties having a population of under two thousand shall belong to and be known as counties of the fifty-seventh class.

CHAPTER 323.

An act to amend section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

[Approved March 20, 1909.]

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

SECTION 1. Section 4249 of the Political Code of the State of California, is hereby amended to read as follows:

Salaries in
counties of
twentieth
class
(River-
side).

4249. In counties of the twentieth class, county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

The county clerk, \$2500.00 per annum, *provided*, that in years when a great register is ordered, the county clerk shall receive in addition to his regular salary, the sum of \$500.00 for such services and ten cents for each person registered, and there shall be and there is hereby allowed to the county clerk in addition thereto, one deputy to be appointed by the said county clerk who shall be paid a salary of \$1200.00 per annum, and one deputy to be appointed by the county clerk at a salary of \$900.00 per annum. The salaries of such deputies to be paid by said county in monthly installments, at the time and in the manner and out of the same fund as the salaries of the county officers are paid.

2. The sheriff, three thousand three hundred dollars per annum, and all commissions, fees and mileage for the service of papers or process coming from courts other than those of his own county; *provided* that in counties of this class there shall be and is hereby allowed to the sheriff one undersheriff, whose salary is hereby fixed at the sum of twelve hundred dollars per annum, and one deputy who shall be jailer whose salary is hereby fixed at the sum of one thousand dollars per

annum, said deputies to be appointed by the sheriff and their salaries shall be paid by the county in equal monthly installments as other salaries are paid.

Salaries in
counties of
twentieth
class
(River-
side).

3. The recorder, twelve hundred dollars per annum, and six cents per folio for every instrument of any character transcribed by him or his deputies, and five cents for each name indexed, which said amount shall be paid out of the county treasury, and which payment shall be in full for all services including the recording of mining claims.

4. The auditor two thousand seven hundred dollars per annum, and there shall be, and there is allowed to the auditor in addition, one deputy to be appointed by the auditor, who shall be paid a salary of seven hundred eighty dollars per annum; said salary to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid. The county auditor shall charge and collect for the clerical labor of making estimates of tax sales, provided for in section 3817 of this code, the sum of twenty-five cents for each tax sale, if the property is delinquent for more than two years. If said estimates are returned to the auditor and redemption made within twenty days from the date of issue and prior to the change of penalties as provided in section 3817 of this code, the amounts charged for making said estimates shall be refunded to the redemptioner; if redemption is not made as herein provided, then the sums charged for making the estimates shall be retained by the auditor for his services of making said estimates.

5. The treasurer, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer one deputy, to be appointed by him, who shall receive from the county a salary of seventy-five dollars per month, to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the treasurer.

6. The tax collector twenty-five hundred dollars per annum.

7. The assessor, forty-eight hundred dollars per annum, which shall be in full for all work in his office and for his field deputies.

8. The district attorney \$2500 per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney as an employee of the county a stenographer, to be appointed by the district attorney, at a salary of \$60 per month, to be paid monthly out of the county treasury in monthly payments in the same manner as the county officers are paid. This provision as to stenographer shall go into effect on the approval of this act.

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

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

11. The superintendent of schools, two thousand dollars per annum. His office shall be kept open on all business days from nine a. m. to five p. m. He shall be allowed his actual traveling expenses when visiting the schools of his county; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools one deputy to be appointed by him who shall receive from the county a salary of \$85 per month, to be paid by said county in monthly installments in the same manner and out of the same fund as the salary of the superintendent of schools.

12. The surveyor, fifteen hundred dollars per annum, and in addition thereto all necessary assistants and traveling expenses on work performed in the field; *provided*, that in counties of this class, there shall be and there hereby is allowed to the surveyor a deputy, who shall be appointed by the surveyor of said county, and shall be paid a salary of seven hundred and twenty dollars per annum. The salary of said deputy herein provided for, shall be paid in monthly installments at the same time and in the same manner and out of the same fund as the salary of the surveyor is paid.

Justices of
the peace.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of eight thousand or more, seventy-five dollars per month; in townships having a population of six thousand and less than eight thousand, fifty dollars per month; in townships having a population of four thousand and less than six thousand, twenty-five dollars per month; in townships having a population of two thousand and less than four thousand, fifteen dollars per month; in townships having a population of one thousand and less than two thousand, ten dollars per month; in townships having a population of less than one thousand, five dollars per month; *provided*, that in all townships having an area equal to or exceeding one thousand square miles, such salary shall not be less than fifty dollars per month. Each justice must pay into the county treasury, once a month, all fines collected by him in criminal cases, and the auditor shall withhold warrant for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury. In addition to the monthly salary allowed herein, each justice may receive for his own use in civil cases the fees allowed by law. For all services appertaining to the coroner's office which the coroner is unable to attend to, the justice of the peace shall receive the same fees as are allowed the coroner in similar cases.

Con-
stables.

14. Constables shall receive the following monthly salaries to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of eight thousand or more, seventy-five dollars per month; in townships having a population of six thousand and less than eight

thousand, fifty dollars a month; in townships having a population of four thousand and less than six thousand, twenty-five dollars a month; in townships having a population of two thousand and less than four thousand, fifteen dollars a month; in townships having a population of one thousand and less than two thousand, ten dollars a month; in townships having a population of less than one thousand, five dollars a month; *provided* that in all townships having an area equal to or exceeding one thousand square miles, such salary shall not be less than fifty dollars per month; *provided further*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for service of a warrant of arrest or any other paper in a criminal case, both going and returning, ten cents per mile; for each mile traveled out of his county, both going and returning from the place of arrest or other service, five cents per mile. For transporting prisoners to the county jail, the actual cost of such transportation. In addition to the monthly salary allowed him, each constable shall receive for his own use in civil cases the fees allowed by law.

15. The population of the several judicial townships, for the purpose of fixing the compensation of township officers, shall be ascertained and declared by the board of supervisors, on the first Monday after the first day of January, 1910, and on the first Monday after the first day of January every succeeding two years thereafter.

Ascertainment of population.

16. Each supervisor, one thousand dollars per annum, and fifteen cents per mile one way for traveling from his residence to the county seat; *provided* that no more than four mileages shall be allowed in any one month. When serving as road commissioner he shall receive the sum of five dollars per day.

Supervisors.

CHAPTER 324.

An act to amend section 536 of the Penal Code, relating to false statements by consignees and others.

[Approved March 20, 1909.]

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

SECTION 1. Section 536 of the Penal Code is hereby amended to read as follows:

536. Every commission merchant, broker, agent, factor, or consignee, who shall willfully and corruptly make, or cause to be made, to the principal or consignor of such commission merchant, agent, broker, factor, or consignee, a false statement as to the price obtained for any property consigned or entrusted

False statements by brokers, etc.

for sale, or as to the quality or quantity of any property so consigned or entrusted, or as to any expenditures made in connection therewith, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding five hundred dollars and not less than two hundred dollars, or by imprisonment in the county jail not exceeding six months and not less than ten days, or by both such fine and imprisonment.

Penalty.

CHAPTER 325.

An act to amend sections four hundred and nine and four hundred and ten of the Political Code of California, relating to the distribution of statutes, journals, reports of state officers and commissions and reports of the supreme and appellate courts.

[Approved March 20, 1909.]

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

SECTION 1. Section four hundred and nine of the Political Code of California is hereby amended so as to read as follows:

State reports, distribution of.

409. All reports and other publications of state officers, commissions and departments, except the laws, resolutions and journals of the legislature, shall be delivered by the state printer to the state librarian, except that twenty-five per cent of the whole number of reports or other publications shall be delivered to the officer, commission or department issuing them. The librarian shall immediately distribute the same as follows:

1. To the library of congress, three copies.
2. To the state library or other library or department in each state, authorized to receive them, one copy.
3. To the librarians of the University of California and the Leland Stanford Junior University, one copy each.
4. To each member of congress from California, to each of the United States district judges in this state, to each of the judges of the supreme court, the district courts of appeal and the superior courts of this state, one copy.
5. To the chief of each administrative department of the state government, and to each of his deputies, one copy.
6. To the lieutenant governor, each member of the legislature, the secretary of the senate and the clerk of the assembly, one copy each.
7. To each public library, and each library connected with an incorporated college or other educational, scientific, literary or art institution in this state, which may apply to be put on the mailing list for all or a portion of the state publications, one copy.

All copies left on hand after distribution as above shall be sent to any person applying therefor, except those publications

required by law to be sold which shall be sold as heretofore. *Provided*, that no person shall be entitled to more than one copy of each publication.

SEC. 2. Section four hundred and ten of the Political Code of California is hereby amended so as to read as follows:

410. The laws, resolutions and journals of the legislature shall be delivered by the state printer to the secretary of state, who shall immediately distribute them as follows: Laws,
distribu-
tion of.

1. To the library of congress, three copies.
2. To the state library or other library or department in each state, authorized to receive them, two copies.
3. To the librarians of the University of California and the Leland Stanford Junior University, two copies each.
4. To each United States senator and each member of congress from California, to each of the United States district judges in this state, to each of the judges of the supreme court, the district courts of appeal, and the superior courts of this state, one copy.
5. To the chief of each administrative department of the state government, and to each of his deputies, one copy.
6. To the lieutenant governor, each member of the legislature, the secretary of the senate and the clerk of the assembly, one copy each.
7. To each public library, and each library connected with an incorporated college or other educational, scientific, literary or art institution in this state, which may apply to be put on the mailing list for all or a portion of the state publications, one copy.
8. To the state library, fifty copies, or so many more as the state librarian may require for exchange purposes.
9. Of the laws alone, to the county clerk of each county, in the cheapest and most expeditious manner, to be by the sheriff distributed under the direction of the clerks, one copy for the board of supervisors, one copy to each county officer and each justice of the peace and police judge; and of the journals, three copies of each house, to each county clerk for the use of the county.

The secretary of state must also distribute of the bound volumes of the decisions of the supreme court, and of the district courts of appeal, as soon as he receives them:

1. To each state, two copies.
2. To the library of congress, the supreme court library and the district courts of appeal libraries, two copies each.
3. To each department of this state, and to each of the United States district judges of this state, supreme, district courts of appeal and superior judges of this state, one copy.
4. To each district attorney and county clerk, one copy.
5. To the reporter of the decisions, ten copies.
6. To the state library, ten copies.

Decisions
of supreme
court,
distribu-
tion of.

CHAPTER 326.

An act to amend section fifteen hundred and seventy-nine of the Code of Civil Procedure relating to and authorizing executors, administrators and guardians to make leases of the real estate of decedents.

[Approved March 20, 1900.]

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

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

1579. To obtain an order to lease the realty, the proceedings to be taken and the effect thereof shall be as follows:

Order to lease realty.

Petition of executor, must show what.

First—The executor, administrator, guardian of a minor or an incompetent person, or any person interested in the estates of such decedents, minors or incompetent persons, must file a verified petition showing:

a. The advantage or advantages that may accrue to the estate from giving a lease.

b. A general description of the property proposed to be leased.

c. The term, rental, and general conditions of the proposed lease.

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

Order to show cause.

Second—Upon filing such petition an order shall be made by the court or judge requiring all persons interested in the estate to appear before the court or judge, at a time and place specified, not less than two nor more than four weeks thereafter, then and there to show cause why the realty (briefly indicating it) should not be leased for the period (stating it), at the rental mentioned in the petition (stating it), and referring to the petition on file for further particulars.

Service of notice.

Third—The order to show cause may be personally served on the persons interested in the estate at least ten days before the time appointed for hearing the petition, or it may be published for two successive weeks in a newspaper of general circulation in the county.

Hearing of petition.

Fourth—At the time and place appointed to show cause, or at such other time and place to which the hearing may be postponed (the power to make all needful postponements being hereby vested in the court or judge), the court or judge having first received satisfactory proof of personal service or publication of the order to show cause, must proceed to hear the petition, and any objection that may have been filed or presented thereto. Upon such hearing witnesses may be compelled to attend and testify in the same manner and with like effect as in other cases, and the court may, in its discretion,

appoint one or more, not exceeding three, disinterested persons to appraise the rental value of the premises, and direct that a reasonable compensation for the services, not exceeding five dollars per day, be paid by the estate. If, after a full hearing, the court or judge is satisfied that it will be for the advantage of the estate to lease the whole or any portion of the real estate, an order must be made authorizing, empowering and directing the executor, administrator, or the guardian, to make such lease. The order may prescribe the minimum rental or royalty to be received for the premises, and the period of the lease, which must in no case be longer than for ten years, and may prescribe the other terms and conditions of such lease; *provided* that, for the purpose of exploiting for minerals, or mineral oils or petroleum and extracting minerals therefrom, the period of the lease may be for twenty years.

Fifth—After the making of the order to lease, the executor, administrator, or guardian of a minor or of an incompetent person, shall execute, acknowledge, and deliver a lease of the premises for the term and period and with the conditions specified in the order, setting forth in the lease that it is made by authority of the order, and giving the date of such order. A certified copy of the order shall be recorded in the office of the county recorder of every county in which the leased land or any portion thereof lies.

Execution
of lease.

Sixth—Every lease so made shall be effectual to demise and let, at the rent, for the term, and upon the conditions therein prescribed, the premises described therein. Jurisdiction of the court to administer the estate of the decedent, the minor, or of the incompetent person shall be effectual to vest such court and judge with jurisdiction to make the order for the lease, and such jurisdiction shall conclusively inure to the benefit of the lessee, his heirs and assigns. No omission, error, or irregularity in the proceedings shall impair or invalidate the same, or the lease made in pursuance thereof.

Effect of
such lease.

CHAPTER 327.

An act to amend section two hundred eighty b of the Code of Civil Procedure of California.

[Approved March 20, 1909.]

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

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

280b. Any person producing a diploma of graduation from the college of law of the University of Southern California, or evidence of having satisfactorily completed the three years' Diploma from colleges of law.

course of law study prescribed by the department of law of Leland Stanford Junior University, or the department of jurisprudence of the University of California, shall be entitled to a license to practice law in all the courts of this state, subject to the right of the chief justice of the supreme court of the state to order an examination, as in ordinary cases of applicants without such diploma or other evidence.

CHAPTER 328.

An act to add a new section to the Political Code to be numbered forty-two hundred and eighty-one a, relating to and fixing the compensation of grand and trial jurors in the superior courts in counties of the fifty-second class.

[Approved March 20, 1900.]

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

SECTION 1. A new section is hereby added to the Political Code to be known and numbered as section forty-two hundred and eighty-one a, and to read as follows:

4281a. The fees of grand jurors and trial jurors in the superior courts of counties of the fifty-second class, in civil and criminal cases shall be three dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of twenty-five cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

Fees of
jurors in
Triunty
county.

CHAPTER 329.

An act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor, and to repeal an act approved February 14, 1887, entitled: "An act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor," and also to repeal an act approved February 27, 1897, entitled "An act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor."

[Approved March 20, 1909.]

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

SECTION 1. There is hereby levied annually, for each fiscal year, an "ad valorem" tax of three cents upon each one hundred dollars of value of the taxable property of the state, which tax shall be collected by the several officers charged with the collection of state taxes, in the same manner and at the same time as other state taxes are collected, upon all or any class of property, which tax is for the support of the University of California. Tax for support of state university.

SEC. 2. The state board of equalization, at the time when it annually determines the rate of state taxes to be collected, must at the same time declare the levy of said rate of three cents, and notify the auditor and board of supervisors of each county thereof. Levy of tax.

SEC. 3. The money collected from said rate, after deducting the proportionate share of expenses of collecting the same to which other state taxes are subject, must be paid into the state treasury, and must be by the state treasurer converted into a separate fund, hereby created, to be called the "state university fund." Disposition of money.

SEC. 4. The money paid into the said "state university fund" is hereby appropriated, without reference to fiscal years, for the use and support of the University of California, and is exempted from the provisions of part three, title one, article eighteen, of an act entitled "An act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the board of examiners. When there is any money in the said fund, the same may be drawn out upon the order of the board of regents of the University of California, or such officers of the board as may be duly authorized thereto. Upon the receipt of the order, the controller must draw his warrant upon the state treasurer, payable to the order of the treasurer of the University of California, out of the said "state university fund." University to control fund absolutely.

How
moneys
must be
applied.

SEC. 5. The money derived from said fund must be applied only to the support and permanent improvement of the university; *provided, however*, that not less than one fourth of the revenues raised hereunder, during each of the first ten fiscal years after this act takes effect, shall be placed in a fund to be known and designated as the permanent building fund and which said fund must be devoted solely to the purposes of building, furnishing and equipping permanent buildings and providing permanent improvements for the university. The board of regents must include in its biennial report to the governor the statement of the manner and for what purposes all of the moneys referred to and raised under this act were expended.

Certain
acts
repealed.

SEC. 6. An act approved February 14, 1887, entitled: "An act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor," is hereby repealed.

SEC. 7. An act approved February 27, 1897, entitled "An act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor," is hereby repealed.

SEC. 8. This act shall take effect immediately.

CHAPTER 330.

An act to amend sections 3 and 11 of an act entitled "An act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the building and loan commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioner to the attorney general; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all acts and parts of acts in conflict herewith," approved March 21, 1905, relating to the powers and

duties and salaries of the state building and loan commissioners.

[Approved March 20, 1909.]

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

SECTION 1. Section 3 of an act entitled, "An act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the building and loan commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the attorney general; providing for involuntary liquidation by trustees and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all acts and parts of acts in conflict herewith," approved March 21, 1905, is hereby amended so as to read as follows:

Section. 3. The commissioners shall each receive a salary of three thousand dollars per annum, and their secretary shall receive a salary of not exceeding eighteen hundred dollars per annum. There shall also be allowed and paid the necessary traveling expenses of the commissioners and their secretary, not to exceed the sum of two thousand dollars per annum. The commissioners shall procure and have an office in the city of San Francisco, 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, and they may also, when in their judgment it is necessary, procure and have an office in the city of Los Angeles. For said offices there shall be allowed and paid a total rental of not exceeding one hundred dollars per month. Said commissioners may also provide such fuel, stationery, printing, postage, office help and other necessary conveniences as may be requisite in such office, at a cost not to exceed in the aggregate, the sum of five hundred dollars per annum. All said salaries and expenses shall be audited and paid in the same manner as the salaries and expenses of other state officers.

SEC. 2. Section 11 of said act is hereby amended so as to read as follows:

Receivers,
reports of.

Section 11. Receivers, or trustees elected in lieu thereof, 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 commissioners; and the commissioners shall, at least once in each year and as much oftener as they may deem expedient, examine the accounts, doings and reports of such receivers or trustees, and, for such purpose, shall have full and free access to all books, accounts and vouchers relating to any such liquidation, and any defect, irregularity, or misconduct on the part of such receivers or trustees, as they may find to exist, shall be, by the commissioners, reported to the proper court.

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

CHAPTER 331.

An act to prevent persons from unlawfully wearing the button of any labor union of this state.

[Approved March 20, 1909.]

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

Labor
unions,
protection
of button.

SECTION 1. Any person who shall willfully wear the button of any labor union of this state, unless entitled to wear said button under the rules of such union, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by imprisonment for a term not to exceed twenty days in the county jail or by a fine not to exceed twenty dollars, or by both such fine and imprisonment.

CHAPTER 332.

An act to amend sections two thousand nine hundred eighty-one and two thousand nine hundred eighty-two, of the Political Code, relating to the state board of health.

[Approved March 20, 1909.]

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

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

Meetings.

2981. The board must meet at the capitol of the state at least once in every three months. Four members shall constitute a quorum for the transaction of any business. Special meetings may be held upon the call of the president or secre-

tary. Notice of all meetings must be given by the secretary, by mailing such notices to the members of the board at least three days prior to the date of such meetings. The members must elect from their own number a president and a permanent secretary. The secretary shall be a civil executive officer and shall also be the executive officer of the board. He must reside in Sacramento and devote his entire time to the duties of the office. The members of the board shall receive their actual and necessary traveling expenses while in the service of the board. Such expenses shall be paid out of the general fund of the state treasury.

Organiza-
tion.

Expenses.

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

2982. The secretary of the state board of health shall receive an annual salary of \$3600.00 and necessary expenses incurred in the performance of his duties. He shall enforce all orders and regulations of the state board of health, and shall vigilantly observe sanitary conditions throughout the state, and take all necessary precautions to protect it in its sanitary relations with other states and countries. He shall keep an accurate record of the proceedings of the state board of health and of his own acts, and shall file a written report of the same at each regular meeting.

Secretary,
salary and
duties.

The salary of the secretary shall be paid out of the general fund at the times and in the manner in which state officers are paid.

CHAPTER 333.

An act to provide for the establishment and maintenance of public museums of natural and historical objects within municipalities of the fourth, fifth, and sixth class.

[Approved March 20, 1909.]

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

SECTION 1. The common council, board of trustees, or other legislative body of any incorporated city or town in the State of California of the fourth, fifth and sixth class, may, and upon being requested to do so by one third of the electors of such municipal corporation in the manner hereinafter provided, must, by ordinance, establish in and for such municipality a public museum of natural and historical objects; *provided*, there be none already established therein.

Public
museums,
establish-
ment of.

Sec. 2. The request referred to in the preceding section may be by a single petition, or by several petitions; *provided*, that such several petitions be substantially in the same form, and that such single petition has, or such several petitions in the aggregate have, the signatures of the requisite number of electors.

Petition
for.

Management.

SEC. 3. Such public museum shall be managed by a board, designated as the board of museum trustees, consisting of five members to be appointed by the mayor, president of the board of trustees or other executive head of the municipality, by and with the consent of the legislative body of said municipality. Such trustees shall severally hold office for three years, serving without compensation; *provided*, that the members of the first board appointed shall so classify themselves by lot that one of their number shall go out of office at the end of the current fiscal year, two at the end of one year thereafter, and the other two at the end of two years thereafter. Men and women shall be equally eligible to such appointment, and vacancies shall be filled by appointment for the unexpired term in the same manner.

Meetings of trustees.

SEC. 4. Boards of museum trustees shall meet at least once a month at such times and places as they may fix by resolution. Special meetings may be called at any time by three trustees, by written notice served upon each member at least three hours before the time specified for the proposed meeting. A majority of the board shall constitute a quorum for the transaction of business. Such boards shall appoint one of their number president, who shall serve for one year and until his successor is appointed, and in his absence shall select a president pro tem. Such boards shall cause a proper record of their proceedings to be kept, and at the first meeting of the board of trustees of any museum formed under the provisions of this act, it must immediately upon organization, cause to be made out and filed with the state superintendent of public instruction at Sacramento, a certificate, showing that such museum has been established, with the date thereof, the names of the trustees, and of the officers of the board chosen for the first year.

Powers of trustees.

SEC. 5. Boards of museum trustees shall have power:

First—To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the museum under their management, and all property belonging thereto.

Second—To administer any trust declared or created for such museums, and receive by gift, devise or bequest and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such museums.

Third—To prescribe the duties and powers of the curator, secretary and other officers and employees of any such museums; to determine the number of and appoint all such officers and employees, and fix their compensation, which said officers and employees shall hold their offices or positions at the pleasure of said boards.

Fourth—To purchase necessary publications, objects of natural or historical value and other personal property.

Fifth—To purchase such real property, and erect or rent and equip, such building or buildings, room or rooms, as may

be necessary, when in their judgment a suitable building, or portion thereof, has not been provided by the legislative body of the municipality for such museum.

Sixth—To borrow objects of natural or historical value from, lend such objects to, and exchange the same with other museums, to allow non-residents to borrow such objects, and to accept loans of such objects from any person, association or corporation, upon such conditions as they may prescribe.

Seventh—To do and perform any and all other acts and things necessary or proper to carry out the provisions of this act.

SEC. 6. Boards of museum trustees shall, on or before the last day of July in each year, make a report to the legislative body of their municipality, giving the condition of the museum on the thirtieth day of June preceding, together with a statement of their proceedings for the year then ended, and must immediately upon the publication of such report, forward a copy thereof for filing to the state board of education at Sacramento.

Annual reports.

SEC. 7. The legislative body of any municipality in which a public museum has been established in accordance with this act, shall in making the annual tax levy and as part thereof, if the maintenance of the museum has not been otherwise provided for, levy a tax for the purpose of maintaining such museum and purchasing property necessary therefor, which tax shall be in addition to other taxes, the levy of which is permitted in the municipality; *provided*, that after two years from the passage of this act as to existing museums, and after two years from the establishment of new museums thereunder, where a maintenance corresponding thereto has not been otherwise provided, such levy shall not exceed two mills on the dollar of assessed valuation.

Tax levy for maintenance.

SEC. 8. The revenue derived from said tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purposes of the museum, shall be apportioned to a fund to be designated the museum fund, and be applied to the purposes herein authorized. If such payment into the treasury should be inconsistent with the conditions or terms of any such gift, devise, bequest, the board shall provide for the safety and preservation of the same, and the application thereof to the use of the museum, in accordance with the terms and conditions of such gift, devise or bequest. Payments from said fund shall be made in the manner provided for the payment of other demands against the municipality; *provided*, that demands upon said fund shall be presented to the board of museum trustees for allowance rather than to the legislative or other body of the municipality.

Disposition of funds.

SEC. 9. Every museum established under this act shall be forever free to the inhabitants and non-resident taxpayers of the municipality, subject always to such rules, regulations and by-laws as may be made by boards of museum trustees; *and, provided*, that for violations of the same a person may be fined or excluded from the privileges of the museum.

Museum must be free.

Title,
in whom
shall vest.

SEC. 10. The title to all property acquired for the purposes of such museums, when not inconsistent with the terms of its acquisition or otherwise designated, shall vest in the municipalities in which such museums are, or are to be, situated, and in the name of the municipal corporations may be sued for and defended by action at law or otherwise.

Disestab-
lishment.

SEC. 11. Any ordinance establishing a museum adopted under the provisions of section one of this act may be repealed by the body which adopted the same upon being requested to do so by one half of the electors of such municipal corporation, in the manner provided in section two of this act, and upon the repeal of such ordinance such museum shall be disestablished in such municipal corporation.

SEC. 12. This act shall take effect immediately.

CHAPTER 334.

An act to amend sections one and three of an act entitled, "An act to create a fund to be known as the United States forest reserve fund and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907.

[Approved March 20, 1909.]

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

SECTION 1. Section one of an act entitled "An act to create a fund to be known as the United States forest reserve fund and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907, is hereby amended to read as follows:

forest
reserve
fund, what
consti-
tutes.

Section 1. All moneys which have been received, and all moneys which may hereafter be received by the State of California from the government of the United States in pursuance of any and all acts of congress providing for the distribution and payment to states and territories of a fixed and definite percentage of the moneys received by the government of the United States from the forest reserves established therein, shall be credited to a fund to be known as the United States forest reserve fund, which fund is hereby specifically created, and such moneys shall be disposed of, in accordance with the terms of such act of congress, by the payment of the same to

the counties in which such forest reserves are situated. The payment made to each county from the receipts of any given forest reserve shall be in the proportion which the area of such forest reserve situated in such county bears to the total area of such reserve.

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

SEC. 3. It shall be the duty of the board of supervisors of each county, upon application of the state controller, to instruct the county surveyor to furnish the controller, without expense to the state, a statistical statement showing the area of each United States forest reserve located within that county, and the data thus secured shall be made the basis of the computation of the amount of money due that county under the provisions of this act.

Duty of supervisors and county surveyors.

CHAPTER 335.

An act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of supervisors.

[Approved March 20, 1900.]

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

SECTION 1. The words and phrases used in this act, shall for the purposes of this act, unless the same be contrary to or inconsistent with the context, be construed as follows:

Certain words defined.

(1) "Public highways," shall include any highway, county road, state road, public street, avenue, alley, park, parkway, driveway, or public place, in any county, or unincorporated town or village dedicated to the public and generally used for traffic by the public.

(2) "Street lights," or "street illumination," shall include any system of illumination by means of street lights using gas, electricity, or other means of illuminant deemed feasible; such lights to be set upon poles, or suspended in the air.

SEC. 2. Any unincorporated town or village of this state may establish a highway lighting district for the purpose of installing and maintaining a system of street lights on public highways, for the better protection of its residents, in accordance with the provisions of this act.

Street lights.

SEC. 3. Upon the application, by petition, of twenty-five or more, taxpayers and residents of said town or village, to the board of supervisors of the county in which the said town

Petition for lighting district.

or village is situated, praying for the formation of a public highway lighting district, and setting forth the boundaries of the said proposed district, the said board of supervisors must, within ten days after receiving said petition, by resolution, order that an election be held in the said proposed district for the determination of the question, and shall appoint three qualified electors thereof to conduct said election, which must be held within forty days from the date of the order.

Election to determine proposition.

SEC. 4. Said election shall be called by posting notice thereof in three of the most public places in said proposed lighting district, and by publication in a daily or weekly paper therein, if there be one, at least once a week for not less than fifteen days. Said notices must specify the time, place and purposes of said election, give the boundaries of the said proposed lighting district; and the hours during which the polls will be kept open; *provided* that in districts with a population of ten thousand or over, the polls must be opened at eight o'clock A. M., and kept open until seven o'clock P. M., and in districts where the population is less than ten thousand, the polls must not be opened before one o'clock P. M., and must be kept open not less than six hours.

Conduct of election.

SEC. 5. Said election shall be conducted in accordance with the general election laws of this state, where applicable, without reference to form of ballot or manner of voting, except that the ballots shall contain the words, "For Lighting District," and the voter shall write or print after said words on his ballot, the word "Yes" or the word "No."

Who entitled to vote.

SEC. 6. Every qualified elector, resident within the proposed district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election above provided for.

Canvass of vote.

SEC. 7. It shall be the duty of the election officers to publicly canvass the votes immediately after the close of the election, and to report the result of said election to the board of supervisors within five days subsequent to the holding thereof.

Duty of supervisors.

SEC. 8. If a majority of the votes cast at said election shall be in favor of a lighting district, the said board of supervisors may, by resolution, establish said lighting district.

Same.

SEC. 9. If a majority of the votes cast shall be against the lighting district, the board of supervisors, shall by order, so declare; no other proceedings shall be taken in relation thereto until the expiration of one year from the date of presentation of the petition.

Evidence of validity.

SEC. 10. The fact of the presentation of the petition, and the order establishing the lighting district, shall be entered in the minutes of the board of supervisors and shall be conclusive evidence of the due presentation of a proper petition, and that each of the petitioners was, at the time of signature and presentation of the petition, a taxpayer and resident of the proposed district, and of the fact and regularity of all prior proceedings of every kind and nature provided for by this act, and of the existence and validity of the district.

SEC. 11. The board of supervisors of the county wherein lighting districts have been established under the provisions of this act, shall be and they are hereby designated as and empowered to act as ex officio the board of supervisors of each and all of such lighting districts which may hereafter be established within such county under the provisions of this act, serving without compensation; and said boards of supervisors shall be authorized and they are hereby empowered, and it shall be their duty:

Super-
visors of
lighting
districts,
who are.

First. To make all rules, regulations and laws necessary for the administration, operation and maintenance of the lighting districts situated within their county.

Duties
of super-
visors.

Second. To supervise, and plan a system of street illumination for any and all lighting districts within their county, and to determine and decide upon the kind and manner of illuminant most feasible for the district.

Third. To indicate the placing and installation of the lights and any and all subsequent additional lights.

Fourth. To receive bids, award and make contracts with lighting companies to the very best advantage of the district, for the installation and maintenance of poles, wires, lights and other accessories; and for the supplying of electric current, gas or such other illuminant as may be determined upon; and for any and all other things that may be necessary to carry out the full meaning and provisions of this act.

Fifth. To determine the number of employees, if any, necessary to properly care for and maintain the lights; to prescribe their duties and fix their compensation, which said employees shall hold their positions at the pleasure of the board.

Sixth. Upon the application, by petition, of twenty-five or more taxpayers and residents of such lighting district, asking for the installation and maintenance of additional lights, which said petition must be filed on or before the first day of September in any year; to immediately estimate the cost of installing and maintaining such additional lights, and to include in the tax levy for the ensuing fiscal year a tax upon the taxable property within such lighting district, at the equalized value thereof for that year, sufficient to pay the cost of installing and maintaining such additional lights; after which to proceed with the installation of such additional lights.

Seventh. To designate the hours for lighting such districts.

Eighth. To perform any and all other acts and things necessary or proper to carry out the provisions of this act.

Ninth. To, within ten days after the establishment of such district, proceed with carrying out the provisions of this act by advertising for bids for installing, caring for and maintaining the lights determined upon; and for supplying the district with all of the gas, electricity or such other illuminant as has been determined upon, necessary for operating and maintaining any and all of the lights which have been already installed or which are to be installed within such district. The contract

to be awarded to the lowest responsible bidder; *provided however*, that the rates to be paid therefor must not exceed in any event the rates paid at that time by said county for highway lighting in other portions of said county. The rates to be paid must not be fixed for a term exceeding five years, and the board of supervisors must reserve the right to abrogate such contract whenever gas or electric current is offered to be supplied at two thirds of such fixed contract price.

Prior
light,
mainte-
nance.

SEC. 12. If prior to the formation of a lighting district any lights have been maintained, by public subscription or paid for out of the district road funds, within any territory which subsequently forms itself into a lighting district under the provisions of this act; at the time of the establishment of such lighting district, or else at the time of expiration of any then existing contract for the maintenance of such lights; such lights and the future cost of maintaining and operating them shall be included in the estimate of the board of supervisors and shall thenceforth be maintained as a part of the lighting system of such lighting district.

Authority
to erect
poles.

SEC. 13. In granting authority to lay down pipes or to erect poles and string wires, and in contracting for gas or electric current, the board of supervisors must impose such restrictions and conditions, and provide for such locations of the various wires and lights, so as to work the least possible public or private inconvenience.

Estimate
for tax
levy.

SEC. 14. On or before the first day of September in each and every year, the board of supervisors of any county wherein a lighting district has been established, shall make an estimate of the cost of conducting and maintaining such lighting district for the ensuing fiscal year, together with the cost of installing and maintaining such additional lights as may have already been petitioned for by the residents of such lighting districts, and for the cost of any other things which may be necessary for carrying out the purposes of this act.

Tax levy.

SEC. 15. When such estimate shall have been made, the board of supervisors of any county wherein a lighting district has been established, must, at the time of levying county taxes, levy a special tax upon all of the taxable property within the limits of such lighting district at the equalized value thereof, sufficient in amount to maintain the said lighting system, and to install any additional lights, or for any or all of the purposes of this act.

Disposi-
tion of
revenue.

SEC. 16. The revenue derived from said tax, together with all other moneys acquired in whatsoever manner by the lighting district, shall be paid into the county treasury to the credit of the lighting fund of the district wherein said tax was collected, subject only to the order of the board of supervisors of said district, and to be by them expended only for and on behalf of the district wherein such money was collected.

Designa-
tion of
district.

SEC. 17. Every lighting district formed or established under the provisions of this act, must be designated by the

name and under the style of lighting district, (using the name of the district), of county, (using the name of the county in which such district is situated), and in that name the board of supervisors may make and award contracts, and may sue and be sued.

SEC. 18. The district may at any time be dissolved upon the vote of two thirds of the qualified electors thereof, at an election called by the board of supervisors, upon the question of dissolution. Upon a petition signed by fifty or more property owners and residents of such lighting district, asking for the dissolution of said district, the board of supervisors shall within thirty days after receiving said petition, by resolution, order that an election be held in the said district, for the determination of the question, and appoint three qualified electors thereof to conduct said election. Such election shall be called and conducted in the same manner as other elections of the district. Upon such dissolution, any property which may have been acquired by such lighting district shall vest in any incorporated town or city that may at such time be in occupation of a considerable portion of the territory of such lighting district; and if there be no such incorporated town or city, then such property shall be vested in the board of supervisors of the county wherein such lighting district is situated until the formation of such incorporated town or city; *provided, however*, that if at the time of the election to dissolve such district there be any outstanding indebtedness of such district, then, in such event, the vote to dissolve such district shall dissolve the same for all purposes excepting only the levy and collection of taxes for the payment of such outstanding indebtedness; and from the time such district is thus dissolved until such indebtedness is fully paid, satisfied and discharged, the legislative authority of such incorporated town or city, or the board of supervisors, if there be no such incorporated town or city, is hereby constituted ex officio the board of supervisors of such district. And it is hereby made obligatory upon such board to levy such taxes and perform such other acts as may be necessary in order to raise money for the payment of such indebtedness, as herein provided.

SEC. 19. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 20. This act shall take effect immediately.

Dissolu-
tion of
district.

Outstand-
ing indet-
edness.

CHAPTER 336.

An act to amend section four thousand and five c of the Political Code of the State of California relating to population of counties.

[Approved March 20, 1909.]

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

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

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

Popula-
tion of
counties.

	County.	Population.
1.	San Francisco	342,782
2.	Los Angeles	170,298
3.	Alameda	130,197
4.	Santa Clara	60,216
5.	Sacramento	45,915
6.	Sonoma	38,480
7.	Fresno	37,862
8.	San Joaquin	35,452
9.	San Diego	35,090
10.	San Bernardino	27,929
11.	Humboldt	27,104
12.	Solano	24,143
13.	Santa Cruz	21,512
14.	Mendocino	20,465
15.	Orange	19,696
16.	Monterey	19,380
17.	Santa Barbara.....	18,934
18.	Tulare	18,375
19.	Contra Costa	18,046
20.	Riverside	17,897
21.	Nevada	17,789
22.	Shasta	17,318
23.	Butte	17,117
24.	Siskiyou	16,962
25.	San Luis Obispo	16,637
26.	Kern	16,480
27.	Napa	16,451
28.	Placer	15,786
29.	Marin	15,702
30.	Ventura	14,367
31.	Yolo	13,618
32.	San Mateo	12,094
33.	Calaveras	11,200
34.	Tuolumne	11,166
35.	Amador	11,116
36.	Tehama	10,996

	County.	Population.	Popula- tion of counties.
36½.	Imperial	10,250	
37.	Kings	9,871	
38.	Stanislaus	9,550	
39.	Merced	9,215	
40.	El Dorado	8,986	
41.	Yuba	8,620	
42.	Colusa	7,364	
43.	San Benito	6,633	
44.	Madera	6,364	
45.	Lake	6,007	
46.	Sutter	5,886	
47.	Glenn	5,150	
48.	Modoc	5,076	
49.	Mariposa	4,720	
50.	Plumas	4,657	
51.	Lassen	4,511	
52.	Trinity	4,383	
53.	Luyoy	4,377	
54.	Sierra	4,017	
55.	Del Norte	2,408	
56.	Mono	2,167	
57.	Alpine	509	

CHAPTER 337.

An act to authorize the controller of state to appoint an inheritance tax deputy, prescribing his duties, and making an appropriation therefor.

[Approved March 20, 1909.]

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

SECTION 1. In addition to other employees provided for by statute, the controller of state is authorized to appoint an inheritance tax deputy, who shall be a civil executive officer. It shall be the duty of such deputy, subject to the direction of the controller, to visit the different counties in the state and to advise with county treasurers and district attorneys and other officers concerning the collection of inheritance taxes. He shall inquire into the methods of appraisement of estates and the methods of computation of the tax. He shall assist the county officers in the detection of attempted evasions of the law. He shall also perform such other duties as the controller may direct.

SEC. 2. The salary of the inheritance tax deputy shall be two thousand four hundred dollars per annum, payable in the same manner as the salaries of other state officers, and he shall

Appropriation.

also receive necessary traveling expenses. For the purpose of paying such traveling expenses and other incidental expenses of the inheritance tax deputy, including printing, there is hereby appropriated, for the remainder of the sixtieth fiscal year, the sum of five hundred dollars; for the sixty-first fiscal year the sum of one thousand five hundred dollars, and for the sixty-second fiscal year the sum of one thousand five hundred dollars.

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

CHAPTER 338.

An act to amend sections six, seven, fifteen, seventeen and nineteen of an act entitled "An act to create for the State of California a department of engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an act entitled 'An act creating a commissioner of public works, defining his duties and powers and fixing his compensation,' approved February ninth, nineteen hundred, and all acts or parts of acts amendatory thereof; also, repealing an act entitled 'An act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also, repealing an act entitled 'An act providing for the appointment of an auditing board to the commissioner of public works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn lands and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this act,' approved March seventeenth, eighteen hundred and ninety-seven, and all acts or parts of acts amendatory thereof; also, repealing an act entitled 'An act to provide for the appointment, duties and compensation of a debris commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner,' ap-

proved March twenty-fourth, eighteen hundred and ninety-three, and all acts or parts of acts amendatory thereof; also, repealing an act entitled 'An act to create the office of Lake Tahoe wagon road commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this act,' approved April first, eighteen hundred and ninety-seven, and all acts or parts of acts amendatory thereof," approved March eleventh, nineteen hundred and seven, relating to the officers and employees of the department of engineering, their powers, duties and salaries, and appropriating money to provide a revolving fund for said department.

[Approved March 20, 1909.]

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

SECTION 1. Section 6 of an act entitled "An Act to create for the State of California a department of engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony and repealing an act entitled 'An act creating a commissioner of public works defining his duties and powers and fixing his compensation,' approved February ninth, nineteen hundred, and all acts or parts of acts amendatory thereof; also repealing an act entitled "An act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April first, eighteen hundred and ninety-seven; also repealing an act entitled 'An act providing for the appointment of an auditing board to the commissioner of public works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn lands and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this act,' approved March seventeenth, eighteen hundred and ninety-seven, and all acts or parts of acts amendatory thereof; also repealing an act entitled "An act to provide for the appointment, duties and compensation of a débris commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such

Creating
depart-
ment of
engineer-
ing.

commissioner," approved March twenty-fourth, eighteen hundred and ninety-three, and all acts or parts of acts amendatory thereof; also repealing an act entitled 'An act to create the office of Lake Tahoe wagon road commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this act,' approved April first, eighteen hundred and ninety-seven, and all acts or parts of acts amendatory thereof," approved March eleventh, nineteen hundred and seven, is hereby amended to read as follows:

Assistants
to state
engineer.

Section 6. The department of engineering by and through the state engineer shall have the power to appoint two assistant engineers, one state architect, one architectural designer, three architectural draughtsmen, two engineers draughtsmen, one testing engineer, one mechanical engineer, two filing clerks, one blue-print pressman, a secretary, two clerks and stenographers and one porter and messenger, and such additional technical assistance and help as the advisory board may in their judgment deem necessary, and to fix their salaries and compensation, who shall hold office at the pleasure of the appointive power, and who must be confirmed by the advisory board before proceeding with their duties. Such officers and employees shall not be eligible for appointment unless they possess special qualifications for and are competent to perform the duties devolving upon them, and they shall devote their entire time to the service of the department.

Salaries.

Eligibility.

SEC. 2. Section 7 of said act is hereby amended to read as follows:

Advisory
board,
meetings,
and duties.

Section 7. The advisory board shall meet at such times as the work of the department may require and shall meet at least once in two months. Said board shall advise with the state engineer and state architect as necessity requires and may advise with the boards of managers or trustees of the various state institutions requiring engineering or structural work and with any state commission regarding all works wherein such commission may be interested. The advisory board shall approve all plans and specifications for all public work and shall determine the kind, quality and extent of all public work of the state. All boards of managers, trustees and state commissions of state institutions shall apply to the department of engineering for plans and specifications for all public works coming under their charge and before accepting any work done under contract shall have a certificate from the state engineer who shall examine and certify to its completion. All public work coming under the full control of the department of engineering may upon the discretion of the advisory board be either contracted for or done by day's labor. The advisory board shall have the power, on the approval of plans and specifications by the state engineer, to direct whether any building or structure at any state institution shall be let by contract in part or in whole, or whether said building or structure shall be built by days labor in part or in whole,

Plans for
public
works.

May provide for
work by
day labor.

but after approval of the plans, specifications and estimates by the advisory board of the department of engineering, if, in the opinion of such department of engineering, the acceptance of any bid or bids shall not be for the best interests of the state, or if in the opinion of such department of engineering the acceptance of any further bids after the rejection of all bids submitted shall not be for the best interests of the state, it may be legal for them to direct that the work or improvement of any state building, road or any other improvement be done upon a day's labor basis. Whenever any public work to be done by the state except work on property of the state on the water front of the city and county of San Francisco under the jurisdiction of the board of state harbor commissioners is placed upon a day's labor basis, it is especially exempted from any law on or relating to contracts of the state. The full control of such day's labor work is placed under the department of engineering and said department shall do all things necessary to properly carry out the work. When such work is so placed upon a day's labor basis, any appropriation which is now available, or which is now or may be appropriated to become available, is by this act taken out of the control of any board of trustees, directors, commissioners, officers or other body to whom it has been appropriated, and placed exclusively under the control of the department of engineering, and the claims for said work shall be approved by the department of engineering, and audited by the board of examiners, upon whose audit the controller shall draw his warrant and the treasurer shall pay the same. The department of engineering shall have the power to receive informal bids upon any subdivision of the day's labor work and the state engineer may upon the approval of the advisory board enter into an agreement for any such subdivisional work of the day's labor work.

Exempt
from law
of con-
tracts.

Approval
of claims
for work.

SEC. 3. Section 15 of said act is hereby amended to read as follows:

Section 15. When in his judgment it is deemed necessary, the state engineer, subject to the approval of the advisory board, shall employ such assistance on the public work of the state or on public work at any state institution as may be necessary for the proper discharge of his duties, and shall under like restrictions, have the authority to purchase any supplies, instruments, tools and conveniences as may be necessary for the proper discharge of the duties of the department of engineering. All employees of the department of engineering, when employed upon public work at or for any state institution in this state shall be paid, unless otherwise provided, from the revolving fund hereinafter created, and the amount of such payment shall be a charge against the institution for which such work is performed, and when collected from said institution by the department of engineering, shall be paid into said revolving fund. In all other cases such employees shall be paid by the department of engineering. All inspectors employed by the state engineer on any public work shall render to the state engineer a full, true and correct report of the kind,

Assistance
on public
work,
employ-
ment of.

How paid.

Reports of
inspectors.

manner and progress of all work upon which he is such inspector. Any inspector who shall render a false report knowing the same to be false shall be guilty of a felony. It shall be the duty of the state engineer to keep a full, true and correct detailed account of the cost of all work done under the control of the department of engineering, and with the consent of the advisory board, may employ a clerk for the proper compiling thereof. Such accounts shall be always open to the inspection of the public.

SEC. 4. Section 17 of said act is hereby amended to read as follows:

Salaries of
engineers
and
assistants.

Section 17. The state engineer shall receive the sum of five thousand dollars (\$5000.) per annum; each assistant state engineer shall receive three thousand dollars (\$3000.) per annum; the state architect shall receive forty-eight hundred dollars (\$4800.) per annum; each of the five draughtsmen shall receive two thousand dollars (\$2000.) per annum; the architectural designer shall receive twenty-four hundred dollars (\$2400.) per annum; the mechanical engineer shall receive twenty-seven hundred dollars (\$2700.) per annum; the testing engineer shall receive twenty-one hundred dollars (\$2100.) per annum; each of two filing clerks shall receive eighteen hundred dollars (\$1800.) per annum; the secretary shall receive twenty-four hundred dollars (\$2400.) per annum; the blue-print pressman shall receive fifteen hundred dollars (\$1500.) per annum; each clerk and stenographer shall receive fifteen hundred dollars (\$1500.) per annum, and the porter and messenger shall receive nine hundred dollars (\$900.) per annum. Such

How paid.

salaries shall be paid at the same time and in the same manner as are the salaries of other state officers. The two assistant state engineers and the state architect shall each furnish the state with a bond in the sum of ten thousand dollars (\$10,000) for the faithful performance of their duties. Said bonds must be approved by the governor of the State of California and filed in the office of the secretary of state. Each and every one of the above-mentioned officers shall take the oath of office as prescribed for other state officers. The members of the advisory board, the state engineer and the officers and employes of the department of engineering shall be allowed their necessary traveling expenses while engaged in the discharge of their duties within the state.

Bonds.

Oath of
office.

Traveling
expenses.

SEC. 5. Section 19 of said act is hereby amended to read as follows:

Appropriation for
salaries.

Section 19. The sum of \$10,000 is hereby appropriated out of any money in the state treasury not otherwise appropriated to provide and maintain a permanent revolving fund for the payment of the salaries and wages of employes in the department of engineering when employed upon public work at or for any state institution other than those employes whose salaries are fixed and determined by section 17 of this act. Such payment so made for salaries and wages shall be charged against the institution for which such work is performed and in favor of the department of engineering, and when collected by said

department, shall be paid into the revolving fund hereby created.

SEC. 6. This act shall take effect from and after its passage and approval.

CHAPTER 339.

An act to amend section three thousand five hundred and eighteen of the Political Code, relating to duplicates for lost certificates of purchase of state lands.

[Approved March 20, 1909.]

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

SECTION 1. Section three thousand five hundred and eighteen of the Political Code is hereby amended to read as follows:

3518. If the owner of a certificate of purchase claims that it has been lost, destroyed, or is beyond his control, the register must take testimony concerning the loss, destruction, or reason why the same is beyond his control. But the party must, before the hearing make affidavit that he has not sold the said certificate of purchase, or the land described therein, and must publish a notice in some newspaper in the county where the land is situated, or if there is no newspaper published in the county, then in some newspaper of general circulation in the county, for at least four weeks, describing the certificate and the lands for which the same was issued, stating the name of the person to whom the same was issued and the person then claiming to own it, together with the time and place of hearing. If the register is satisfied of the loss or destruction of the certificate, or that it is beyond the control of the person owning the same, he must issue to the owner thereof a duplicate, with the word "Duplicate" written across the face thereof in red ink. Such duplicate shall have the same force and effect as the original. If there is a contest as to the issuing of a duplicate certificate, the register may hear and determine the same, or may refer it to the proper court, as provided in section thirty-four hundred and fourteen. *Provided* that all proceedings hereunder shall be construed as special proceedings after a question of fact has arisen within the meaning of section two thousand and twenty-one of the Code of Civil Procedure and the adverse party shall be considered the contestant, and in case there is no contest the register shall for such purpose be considered the adverse party.

Lost certificates of purchase, issue of duplicates for.

Contest.

CHAPTER 340.

An act to amend section 125 of the Political Code of the State of California.

[Approved March 20, 1900.]

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

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

Capitol
police,
salaries.

425. The board of capitol commissioners shall appoint three special policemen, to hold office during its pleasure, for the state capitol grounds, who shall have the power of peace officers, and receive for their services an annual salary of thirteen hundred and twenty dollars, payable as the salaries of other state officials.

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

CHAPTER 341.

An act to amend section 4239 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the tenth class.

[Approved March 20, 1900.]

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

SECTION 1. Section 4239 of the Political Code of the State of California, is hereby amended so as to read as follows:

Salaries in
counties of
tenth class
(San Ber-
nardino).

4239. In counties of the tenth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, and shall have as deputies or assistants the respective employees hereinafter named, to wit:

1. The county clerk, two thousand seven hundred dollars per annum, and the sum of five hundred dollars for making the great register, and ten cents for each person registered, and such fees as may be allowed by law for issuing hunting or fishing licenses, and there shall be, and there is hereby allowed to the county clerk in addition, one chief deputy, to be appointed by the county clerk, who shall be paid a salary of one thousand two hundred dollars per annum, and two additional deputies, who shall be paid the sum of one thousand

dollars per annum each, the said salaries to be paid by such county in monthly installments at the time, and in the manner and out of the same fund as the salaries of county officers are paid.

Salaries in counties of tenth class (San Bernardino).

2. The sheriff, three thousand dollars per annum, and all commissions, fees and mileage for the service of papers or process coming from courts other than those of his own county, and there shall be, and there is hereby created the office of jailer, to be appointed by the sheriff, who shall be paid a salary of one thousand two hundred dollars per annum, and also one chief deputy, to be appointed by the sheriff who shall be paid a salary of one thousand two hundred dollars per annum, and also one deputy to be appointed by the sheriff, who shall be paid a salary of one thousand two hundred dollars per annum, and also one deputy, who shall be appointed by the sheriff, who shall be paid a salary of nine hundred dollars per annum, said salaries to be paid by such county in monthly installments, at the time and in the manner and out of the same fund as the salaries of county officers are paid.

3. The recorder, two thousand seven hundred dollars per annum, and five cents per folio for recording, and in addition thereto there is hereby allowed to the county recorder, one deputy, to be appointed by the county recorder, who shall be paid a salary of one thousand two hundred dollars per annum, the said salaries to be paid by such county in monthly installments, at the time, and in the manner and out of the same fund as the salaries of county officers are paid.

4. The auditor, two thousand seven hundred dollars per annum, and there shall be, and there is allowed to the auditor in addition, one chief deputy, to be appointed by the auditor, who shall be paid a salary of one thousand two hundred dollars per annum, and there shall be, and there is allowed to the auditor in addition, three clerks to be appointed by the auditor, who shall be paid a salary of seventy-five dollars per month each, not to exceed one month in any one year; said salaries to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid.

5. The treasurer, two thousand seven hundred dollars per annum, and in addition thereto, there is hereby allowed to the county treasurer, one deputy, to be appointed by the treasurer who shall be paid one hundred dollars per month, not to exceed one month in any one year.

6. The tax collector, two thousand seven hundred dollars per annum, and there shall be, and there is allowed to the tax collector, one chief deputy, to be appointed by the tax collector, who shall be paid a salary of one thousand two hundred dollars per annum, and such additional assistants as the tax collector may require, the compensation of which assistants, however, shall not exceed in the aggregate the sum of nine hundred dollars per annum, said salaries to be paid by said

Salaries in counties of tenth class (San Bernardino).

county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid; *provided, however,* that in counties of this class the tax collector shall receive no fees or commissions for the collection of licenses.

7. The assessor, five thousand five hundred dollars per annum, and the percentage allowed by law for the collection of poll taxes; and there shall be, and there is allowed to the assessor in addition one chief deputy, to be appointed by the assessor, who shall be paid a salary of one thousand two hundred dollars per annum, said salaries to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid; *provided, however,* that the percentage received by the assessor on personal property taxes, and also amounts allowed for returning names of persons subject to military duty, and which in other counties of other classes, is allowed to the assessor as compensation, shall be paid by him into the county treasury, and no part thereof shall be received by him as compensation.

8. The district attorney, three thousand dollars per annum, and there shall be, and there is allowed to the district attorney in addition, one chief deputy to be appointed by the district attorney who shall be paid a salary of one thousand five hundred dollars per annum, and also one additional deputy, to be appointed by the district attorney who shall be paid a salary of one thousand two hundred dollars per annum, each of whom shall be an attorney at law regularly admitted to practice before the courts of the State of California, said salaries to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid.

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

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

11. The superintendent of schools, for full services including attendance on the county board of education, two thousand seven hundred dollars per annum, and his actual traveling expenses, necessarily incurred in the performance of his duties, and there shall be, and there is allowed to the superintendent of schools in addition, one deputy, to be appointed by the superintendent of schools, who shall be paid a salary of one thousand dollars per annum, said salary to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid. The office of the superintendent of schools shall be kept open on all business days from nine o'clock A. M. to five o'clock P. M.

Board of education.

12. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of

twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named and in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred and seventy of this code.

13. The surveyor, two thousand four hundred dollars per annum, and in addition thereto all necessary expenses, incurred in the field in performing county work, ordered by the board of supervisors: and there shall be and there is allowed to the surveyor in addition, one chief deputy, who shall be a competent draughtsman, to be appointed by the surveyor, who shall be paid a salary of one thousand two hundred dollars per annum, and also one draughtsman, to be appointed by the surveyor, which office is hereby created, who shall be paid a salary of one thousand two hundred dollars per annum, and also one clerk, who shall be appointed by the surveyor, which office of clerk is hereby created, who shall be paid a salary of nine hundred dollars per annum, said salaries to be paid in monthly installments at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. Surveyor.

14. The justices of the peace, the following monthly salaries, to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of six thousand and over, ninety dollars per month; in townships having a population of two thousand four hundred and less than six thousand, seventy-five dollars per month; in townships having a population of one thousand five hundred and less than two thousand four hundred, sixty dollars per month; in townships having a population of eight hundred and less than one thousand five hundred, fifty dollars per month; in townships having a population of five hundred and less than eight hundred, twenty dollars per month; in townships having a population of less than five hundred, ten dollars per month. In addition to the above salaries, each justice of the peace shall collect for his own use in civil cases such fees as are now or may hereafter be allowed by law. Justices of the peace.

15. Constables, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of five thousand and more, eighty-five dollars per month; in townships having a population of two thousand five hundred and less than five Constables.

thousand, sixty-five dollars per month; in townships having a population of fifteen hundred and less than two thousand five hundred, sixty dollars per month; in townships having a population of eight hundred and less than fifteen hundred, fifty dollars per month; in townships having a population of five hundred and less than eight hundred, twenty dollars per month; in townships having a population of less than five hundred, ten dollars per month. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Super-
visors.

16. The supervisors, the sum of one hundred and twenty-five dollars per month, each, as supervisors and road commissioners, and actual traveling expenses not to exceed five hundred dollars for each supervisor in any one year.

Deter-
mination
of popula-
tion.

17. The population of townships shall, for the purpose of this section, be determined by the last preceding United States census, and in case townships are formed after the taking of the census, then the population shall be determined by multiplying the vote for governor cast in such township, at the last preceding election, by four.

CHAPTER 342.

An act to amend section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class and their assistants and deputies.

[Approved March 20, 1909.]

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

SECTION 1. Section 4234 of the Political Code of the State of California is hereby amended to read as follows:

Salaries in
counties of
fifth class
(Sacro-
mento).

4234. In counties of the fifth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum. He shall appoint one chief deputy, at a salary of eighteen hundred dollars per annum; two additional deputies at a salary of fifteen hundred dollars each per annum, two deputies to act as index clerks at a salary of twelve hundred dollars each per annum, one deputy to act as stenographer at a salary of twelve hundred dollars per annum, three deputies to act as copyists at a salary of twelve hundred dollars each per annum, and three courtroom clerks at a salary of one thousand five hundred dollars each per annum: one deputy who shall be the registrar of voters, which office is hereby created who shall receive a

salary of two thousand four hundred dollars per annum, and a deputy or deputies not to exceed five for the purpose of registering electors, to be paid not to exceed four dollars per diem each, *provided* that said deputies so employed for registering electors shall not be employed except during a year when a general election is to be held throughout the state and then only between the first day of June and the fifteenth day of November of said year; and such deputies as may be needed for the purpose of registering electors in precincts outside of the corporate limits of municipalities containing twenty-five thousand or more inhabitants, who shall be paid fifteen cents per name for each person legally registered by them. The salaries and compensation of each of said deputies and clerks to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid.

Salaries in counties of fifth class (Sacramento).

2. The sheriff shall receive three thousand six hundred dollars per annum salary. The sheriff shall also receive for his own use the fees for mileage which are now, or which may hereafter, be allowed by law, and the fees and commissions for the service of all papers whatsoever issued by any court of the state outside of this county, and shall also receive his necessary expenses in all criminal cases. The sheriff shall also be paid twelve and one half cents per meal each for all meals furnished prisoners confined in the county jail. The sheriff shall have one undersheriff at a salary of one thousand eight hundred dollars per annum, two jailers at a salary of twelve hundred dollars per annum each; one criminal deputy which office is hereby created at a salary of twelve hundred dollars per annum and three court bailiffs, or deputies, at a salary of twelve hundred dollars per annum each. All deputies herein mentioned shall be appointed by the sheriff, and paid at the same time and manner that their principal is paid.

3. The recorder, three thousand dollars per annum. The recorder may appoint one assistant recorder which office is hereby created at a salary of eighteen hundred dollars per annum; one mortgage clerk, at a salary of twelve hundred dollars per annum; one index clerk, at a salary of twelve hundred dollars per annum. Said recorder may also appoint such copyists, not to exceed three, as may be required for the recording of all papers, notices or documents in his office, who shall receive as compensation for their services, the sum of twelve hundred dollars each per annum; said recorder may also appoint two filing clerks, which office is hereby created, at a salary of twelve hundred dollars per annum each. The salaries and compensation of all deputies, clerks and copyists herein provided for, each of whom shall be a deputy county recorder, shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid.

4. The auditor three thousand dollars per annum; *provided* that in counties in this class there shall be, and there is

Salaries in
counties of
fifth class
(Sacro-
mento).

hereby allowed to the auditor an assistant county auditor which office is hereby created whose salary is hereby fixed at eighteen hundred dollars per annum and one index clerk which office is hereby created whose salary is hereby fixed at twelve hundred dollars per annum, both of whom shall be appointed by the auditor, and such additional assistance as the auditor may require and whose compensation shall not exceed one thousand dollars per annum in the aggregate for all assistance so performed, and provided that the auditor shall file with the county clerk a verified statement, showing in detail the amounts paid and the persons to whom such compensation has been paid for such additional assistance as aforesaid. The salaries herein provided for shall be paid by the said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the auditor.

5. The county treasurer thirty-four hundred dollars per annum, and said treasurer may appoint one deputy treasurer which office is hereby created who shall receive a salary of eighteen hundred dollars per annum. The deputy herein provided for shall be paid at the same time and in the same manner and out of the funds as is the county treasurer.

6. The tax collector, three thousand dollars per annum; he shall be allowed one chief deputy which office is hereby created, at a salary of eighteen hundred dollars per annum and one office deputy, which office is hereby created, at a salary of fifteen hundred dollars per annum; *provided*, that he shall have such assistants as he may require, whose compensation, which shall be paid by the county, shall not exceed the sum of twelve hundred dollars per annum in the aggregate. All deputies and assistants herein mentioned shall be appointed by the tax collector and the salaries herein provided for shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector.

7. The license collector, one thousand eight hundred dollars per annum, said license collector shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

8. The assessor three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be, and there is, hereby allowed to the assessor, the following deputies, who shall be appointed by the assessor, and shall be paid salaries as follows: One chief deputy assessor, at eighteen hundred dollars per annum; one office deputy assessor, at fifteen hundred dollars per annum; one mortgage and transfer assistant assessor which office is hereby created, at twelve hundred dollars per annum; one field deputy assessor which office is hereby created for not exceeding six months in any one year at a salary of one hundred and twenty-five dollars

per month; four field deputy assessors, for not exceeding four months in any one year, at a salary of one hundred and twenty five dollars each per month; nine field deputy assessors for not exceeding four months in any one year, at a salary of one hundred dollars per month each; and such additional assistance as the assessor may require, and whose compensation shall not in the aggregate exceed the sum of six hundred dollars per annum; *and provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts paid and the persons to whom such compensation is paid for such extra assistance, as aforesaid. The salaries of the chief deputy assessor, office deputy assessor, mortgage and transfer assistant assessor and field deputy assessors herein provided for shall be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid. *It is hereby further provided*, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes.

Salaries in counties of fifth class (Sacramento).

9. The district attorney, three thousand six hundred dollars per annum. In counties of this class, the district attorney may appoint an assistant district attorney, which office is hereby created, who shall receive as compensation for his services the sum of two thousand four hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner, and at the same time other county officials are paid. In counties of this class the district attorney may appoint a deputy district attorney, which office is hereby created, who shall receive as compensation for his services the sum of one thousand eight hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner, and at the same time other county officials are paid. In counties of this class, the district attorney may appoint a clerk for service in his office, which office of clerk to the district attorney is hereby created, and said clerk shall receive as compensation for his services the sum of one thousand two hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time other county officials are paid.

10. The coroner, such fees as are now or may be hereafter allowed by law; *provided*, the coroner, or other officer holding an inquest upon the body of a deceased person, may subpoena a chemist to make an analysis of the contents of the stomach or the tissues of the body, or a physician or surgeon to inspect the body, or hold a postmortem examination of the deceased, and give a professional opinion as to the cause of death; and shall cause the testimony of all the witnesses at such inquest to be reduced to writing under his directions. The coroner in counties of this class shall be and he hereby is allowed the following assistants, namely, one deputy and one stenographer,

Salaries in
counties of
fifth class
(Sacra-
mento).

which office is hereby created; said deputy shall have the power and it shall be his duty when directed by the coroner to hold inquests and all such power conferred by law upon the coroner may be exercised by said deputy the said stenographer at a salary of one hundred and twenty-five dollars per month. Said stenographer shall take down in shorthand the testimony of witnesses at inquests and shall transcribe the same into longhand and file a verified copy thereof with the county clerk. The salary of said stenographer shall be paid by the county in same manner, at the same time and out of the same fund as other county officers are paid.

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

12. The superintendent of schools, two thousand seven hundred dollars per annum, and actual traveling expenses when visiting schools of his county, not exceeding five hundred dollars per annum; and the said superintendent of schools may appoint one deputy superintendent of schools, which office of deputy superintendent of schools is hereby created, who shall receive as compensation the sum of one thousand eight hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers are paid. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of the said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools. Claims of such service and mileage shall be presented to the board of supervisors and shall be allowed, at the rate above named, and in the same manner as other claims against the county are allowed. The compensation of members of the county board of education hereby provided is not in addition to that provided in section seventeen hundred and seventy of this code.

13. The surveyor, two thousand four hundred dollars per annum, and in addition thereto all necessary expenses for work performed in the office and all necessary expenses and transportation for work performed on the field; *provided* that in counties of this class, whenever the board of supervisors shall order, or the assessor may require, assessor's map or block books, then the surveyor shall receive, in addition to the salary hereinabove noted, the sum of nine hundred dollars for the preparation and completion of the said map or block books.

Justices of
the peace.

14. Justices of the peace, in townships having a population of between seven and eight hundred inhabitants, as found and determined by the last preceding federal census, shall be allowed a salary of seventy-five dollars per month each,

in lieu of all fees in criminal cases. In all other townships, justices of the peace, such fees as are or may be hereafter allowed by law, except that the justices of the peace in townships containing twenty thousand or more inhabitants shall be allowed a salary of one hundred dollars per month each in lieu of all fees in criminal cases; *provided, however*, that justices of the peace in townships contiguous to municipalities containing twenty-five thousand or more inhabitants, or in which a state penal institution is located, shall be allowed a salary of one hundred dollars per month each in lieu of all fees in criminal cases; the salary of the justices of the peace as above provided, to be paid at the same time, and in the same manner as county officers are paid.

15. Constables, in townships having a population of between seven and eight hundred inhabitants, as found and determined by the last preceding federal census, shall be allowed a salary of seventy-five dollars per month each and fifteen cents per mile for every mile actually traveled in taking prisoners to the county jail, in lieu of all fees in criminal cases. In all other townships, constables, such fees as are now or may be hereafter allowed by law, except that the constables in township containing twenty thousand or more inhabitants shall be allowed a salary of one hundred and twenty-five dollars per month each, in lieu of all fees in criminal cases, *provided that* the board of supervisors shall furnish the justice of the peace in said townships and the constables an office to be occupied by said justice and constables jointly; *provided, however*, that constables in townships contiguous to municipalities containing twenty-five thousand or more inhabitants, or in which a state penal institution is located, shall be allowed a salary of one hundred dollars per month each, and fifteen cents per mile for every mile actually traveled in taking prisoners to the county jail, in lieu of all fees in criminal cases; *provided, however*, that constables in township not contiguous to municipalities containing twenty-five thousand or more inhabitants and constables in township in which a state penal institution is not located shall receive in addition to the fees now provided by law three dollars per diem for each day in actual attendance on the court in criminal cases, and fifteen cents per mile for each mile actually traveled in taking prisoners to the county jail. The salary of the constable as above provided to be paid at the same time and in the same manner as county officers are paid.

16. Each supervisor, one hundred and twenty-five dollars per month, and ten cents per mile for traveling to and from the county seat; *provided*, mileage shall not be allowed oftener than once in each month.

17. The offices of recorder and auditor shall be separate and shall not be consolidated by the board of supervisors.

18. For attending as a juror in the superior court, for each day's attendance, per diem, three dollars. For each mile actually traveled in attending court as a juror, in going only, per mile, twenty-five cents.

Constables.

Supervisors.

Consolidation forbidden.

Jurors.

County
detective.

19. In counties of this class there shall be a county detective to be appointed by the district attorney, who shall receive a salary of one hundred and twenty-five dollars per month, to be paid at the same time and manner as other county officers are paid. He shall perform such duties as may be required of him by the district attorney or by ordinances of the board of supervisors.

County
analyst.

20. In counties of this class there may be a county analyst, to be appointed by the board of supervisors who shall receive a salary of not less than fifty dollars per month, to be paid at the same time and in the same manner as other county officers are paid. He shall furnish his own laboratory. He shall perform such services as may be required by the district attorney, coroner, or by ordinances of the board of supervisors. He shall have been a resident of the county for at least two years and shall be a graduate of a recognized university or technical school and shall have had at least three years' experience in forensic and analytical chemistry.

SEC. 2. This act shall take effect immediately.

CHAPTER 343.

An act to amend section 607e of the Civil Code of the State of California, relating to the disposition to be made of certain fines, penalties and forfeitures.

[Approved March 20, 1909.]

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

SECTION 1. Section 607e of the Civil Code of the State of California is hereby amended to read as follows:

Fines,
penalties
and for-
feitures
imposed.

607c. All fines, penalties and forfeitures imposed and collected in any city or county, or city and county, of this State under the provisions of any law of this State, now or hereafter enacted, relating to or affecting children or animals, in every case where the prosecution was instituted, aided, or conducted by any corporation or society now or hereafter existing, incorporated or organized for the prevention of cruelty to animals or to children must, except where otherwise provided, inure to such corporation or society in aid of the purposes for which it was incorporated or organized. In addition to said fines, penalties and forfeiture, every such society incorporated and organized for the prevention of cruelty to animals, or for the prevention of cruelty to children, may, in each city, or city and county or county where such society exists, while actively engaged in enforcing the provisions of the laws of this State, now or hereafter enacted, for the prevention

of cruelty to animals or children, or arresting, or prosecuting offenders thereunder, or preventing cruelty to animals or children be paid, as compensation therefor, from the county, or city and county general fund by the board of supervisors, a sum not exceeding one hundred and fifty dollars per month, in the same manner as other claims against said county, or city and county, are paid.

CHAPTER 344.

An act to amend section seven hundred and fifty-one of the Political Code relating to deputies of the clerk of the supreme court.

[Approved March 20, 1909.]

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

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

751. There shall be appointed by the clerk of the supreme court six deputy clerks of the supreme court; and there shall likewise be appointed, in addition thereto, a chief deputy clerk of said supreme court, who shall act as clerk of the supreme court in the absence of said clerk. The chief deputy clerk and deputy clerks of the supreme court shall be civil executive officers.

Assistants
to clerk of
supreme
court.

CHAPTER 345.

An act to add a new section to the Penal Code of the State of California, to be numbered 587c, to prevent the evading or attempting to evade payment of fare upon railroads.

[Approved March 20, 1909.]

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

SECTION 1. A new section is hereby added to the Penal Code of the State of California, to be numbered 587c, to read as follows:

587c. Every person who fraudulently evades, or attempts to evade the payment of his fare, while traveling upon any railroad, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars, or imprisonment not exceeding six months, or by both such fine and imprisonment.

Evading
payment
of railroad
fare.

CHAPTER 346.

An act providing for the government of consolidated swamp land, levee, or reclamation districts.

[Approved March 20, 1909.]

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

Consolidated
levee
districts,
government of.

SECTION 1. Whenever any swamp land, levee or reclamation districts are consolidated, the consolidated district shall be known by the name and number of the district containing the larger or largest area of lands and thereafter the consolidated district shall be subject to, governed by, and administered in accordance with the law governing or applying to such district from which the name or number is taken.

SEC. 2. This act shall take effect immediately.

CHAPTER 347.

An act to provide for the disincorporation and discontinuance of fire districts where the same become wholly or partly within the corporate limits of a town or city, incorporated subsequently to the organization thereof, and providing for the disposal of the property of such districts.

[Approved March 20, 1909.]

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

Discontinuance
of fire
districts,
proceedings for.

SECTION 1. Whenever the territory comprising a fire district organized under the laws of this state, governing the organization and establishment of fire districts and fire departments in unincorporated towns or villages in this state, shall be wholly within, or be identical with the corporate limits of a town or city, which shall have become incorporated as a municipality, after said fire district was organized and established, the board of supervisors of any county in which any such fire district shall have been or may be hereafter established at any time, upon the written verified petition of the inhabitants of any such fire district, whose names appear upon the last preceding assessment roll of the county, town or city within which said fire district is located, owning or representing more than one half in value of the assessed real property of such fire district, or owning or representing more than one half in value of the assessed real property in such fire district

owned by the residents thereof, may, by a resolution adopted and entered in their minutes, discontinue such fire district, and declare the same to be disincorporated; and upon such action being taken by said board of supervisors, the board of fire commissioners of such fire district, shall turn over to any fire department organized by the board of trustees of said town or city, or to the board of trustees of said town or city, all the property of such fire district or fire department; such town or city to pay all the debts of said fire district, and department, and thereupon said fire district shall be discontinued and disincorporated.

SEC. 2. Whenever, any portion of the territory of any fire district heretofore or hereafter established shall be incorporated into the corporate limits of any incorporated town or city, the board of supervisors of the county in which such fire district is located, upon the written verified petition of the inhabitants of such incorporated portion of such fire district, whose names appear upon the last preceding assessment roll of the county, city or town within which said incorporated portion of said fire district is located, owning or representing more than one half in value of the assessed real property in such incorporated portion of such fire district; or owning or representing more than one half in value of the assessed real property within such incorporated portion of such fire district owned by the residents thereof, shall by a resolution duly adopted and entered in their minutes, change the boundaries of such fire district, in such manner as shall exclude such incorporated portion from such fire district, and thereafter such incorporated portion of such fire district, shall cease to be a portion of said fire district, and shall not be entitled to the protection of, nor liable to be assessed or taxed for the support and maintenance of the fire department of such fire district.

SEC. 3. A certified copy of any resolution of said board of supervisors, discontinuing, and disincorporating such fire district or excluding a portion therefrom, or changing the boundaries thereof, after being adopted, and duly signed by the chairman of said board and the clerk thereof, and the seal of said board affixed thereto, and duly certified to by the clerk of said board, shall within ten days after the adoption thereof by said board, be filed by the clerk of said board in the office of the county recorder of the said county in which said fire district is located, and the said recorder shall record the same, but shall not make any charge or collect any fees for filing or recording the same.

SEC. 4. This act shall take effect and be in force from and after its passage.

Change of
districts.

Order of
discon-
tinuance
to be
recorded.

CHAPTER 348.

An act to add a new section to the Code of Civil Procedure of the State of California to be known and numbered as section 526a, relating to actions by taxpayers against officers and agents of any county, town, city or city and county in said state.

[Approved March 20, 1909.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure of the State of California, to be known and designated as section 526a, and to read as follows, to wit:

Right of
action
against
public
officer.

526a. An action to obtain a judgment, restraining and preventing any illegal expenditure of, waste of, or injury to, the estate, funds, or other property of a county, town, city or city and county of the state, may be maintained against any officer thereof, or any agent, or other person, acting in its behalf, either by a citizen resident therein, or by a corporation, who is assessed for and is liable to pay, or, within one year before the commencement of the action, has paid, a tax therein. This section does not affect any right of action in favor of a county, city, town, or city and county, or any public officer.

CHAPTER 349.

An act to authorize the State of California to release and convey to the United States such portions of the sixteenth and thirty-sixth sections of land contained in the Cleveland national forest, formerly San Jacinto forest reserve (and referred to in that certain act entitled "An act to authorize the settlement of an existing controversy between the United States of America and the State of California, and making an appropriation to carry out the provisions of said act," approved March 21, 1907) as may remain after the settlement referred to in said act has been consummated, for the purpose of reimbursing the United States for lands surrendered to it by the state and which said lands so surrendered were thereafter sold and patented by said state.

[Approved March 20, 1909.]

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

Sections
reserved
from sale
by state.

SECTION 1. For the purpose of enabling the State of California to reimburse the United States for lands surrendered to it by the state and which said lands so surrendered were thereafter sold and patented by the state, there is hereby withheld from sale, or other disposition, all such portions of the six-

teenth and thirty-sixth sections of land contained in the Cleveland national forest, formerly San Jacinto forest reserve, as may remain after the settlement referred to in that certain act entitled "An act to authorize the settlement of an existing controversy between the United States of America and the State of California, and making an appropriation to carry out the provisions of said act," approved March 21, 1907, has been consummated, and all the provisions of chapter I, title VIII, part III of the Political Code are hereby suspended as to all such land or loss.

SEC. 2. The surveyor general of the State of California is authorized and empowered to ascertain and determine the amount of land which has heretofore been surrendered by the State of California to the United States and which said land after being so surrendered has been sold in place by the state and patents therefor issued. After the settlement of the controversy between the United States and the State of California, referred to in section 1 hereof, has been consummated, and the said surveyor general has ascertained that the United States is entitled to reimbursement for lands surrendered to it but which were sold by the state, he shall proceed to prepare a patent or patents for such portion of the sixteenth and thirty-sixth sections contained in the Cleveland national forest, formerly the San Jacinto forest reserve, so remaining after the consummation of the settlement referred to in section one hereof, as will equal in area the number of acres so ascertained and determined to have been surrendered to the United States but afterwards sold and patented by the State of California, and the said patent or patents shall be executed by the same officers and in the same manner as other patents are executed, and the register of the state land office shall record said patent or patents in his office, and thereafter shall cause the same to be delivered to the secretary of the interior at Washington, in the District of Columbia.

Duty of surveyor general to determine what.

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

CHAPTER 350.

An act to amend section 3495 of the Political Code of the State of California relating to school lands belonging to the state and the affidavit on applications to purchase the same.

[Approved March 20, 1909.]

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

SECTION 1. Section 3495 of the Political Code of the State of California is hereby amended so as to read as follows:

3495. Any person desiring to purchase any portion not less than the smallest legal subdivision of any of the lands mentioned in section thirty-four hundred and ninety-four, situated

Purchase of state school lands, manner of.

in any township which has been surveyed by the United States, must make an affidavit that he is a citizen of the United States, or has filed his intention to become such, a resident of this state of lawful age, that he desires to purchase such lauds (describing the same by legal subdivisions) under the provisions of this title; that he has made a personal examination of each and every legal subdivision of said land, that there is no occupation of such lands adverse to any that he has, or if there is an adverse occupation the affidavit must show that the township has been sectionized three months, and that the adverse occupant (giving his name) has been in such occupation more than sixty days since the plat was filed in the United States land office; that he desires to purchase the same for his own use and benefit, and for the use or benefit of no other person or persons whomsoever, and that he has made no contract or agreement to sell the same. The affidavit must also state whether the land is or is not suitable for cultivation, and if it is, that the applicant is an actual settler thereon, and that he has not entered any portion of any lands mentioned in section thirty-four hundred and ninety-four, which, together with that now sought to be purchased, exceeds three hundred and twenty acres; but if the land is not suitable for cultivation the affidavit must further state that the applicant has not entered any portion of such lands, which, together with that now sought to be entered, exceeds six hundred and forty acres. Lands unsuitable for cultivation may be sold in quantities not exceeding six hundred and forty acres to any one person, under the restriction other than as to actual settlement prescribed for the sale of cultivable lands. No application shall contain lands situate in more than one county. The surveyor general and register of the land office must make and enforce all necessary rules and regulations to prevent the sale of school lands suitable for cultivation to any person not an actual settler thereon; *provided*, that any smallest legal subdivision of school lands shall be deemed suitable for cultivation if any part not less than one half of its area will, without artificial irrigation, but with or without the clearing of timber or other growth therefrom, by the ordinary processes of tillage, produce ordinary agricultural crops in average quantity; *and provided*, that any contest of the applicant's right to purchase, arising from the character of the land as cultivable or otherwise, may be referred to the superior court of the proper county, as in other cases, for determination; *and provided further*, that no contest of the applicant's right to purchase, arising from adverse occupation, shall be maintained, except by a prior adverse occupant, who shall have filed an application to purchase the land under the provisions of this section, and no occupation of land by a person other than the applicant shall be an adverse occupation within the meaning of this section, unless such occupation is by a person who is entitled to purchase the same under the provisions hereof, and who files his application therefor within the time prescribed by section thirty-four hundred and ninety-seven of this code. If any portion of the

Lands unsuitable for cultivation.

What lands deemed suitable for cultivation.

Adverse occupation.

land applied for is not open to entry, the surveyor general shall file the application for such portion as may be open to entry, eliminating from the application such land as may not be open to entry.

CHAPTER 351.

An act amending section 3 of an act entitled "An act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

[Approved March 20, 1900.]

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

SECTION 1. Section 3 of an act entitled, "An act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895, is amended so as to read as follows:

Section 3. The guardian shall receive for his services seventy-five dollars per month, payable from the state treasury, in the same manner as other state officers are paid. Salary of guardian.

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

CHAPTER 352.

An act granting to municipal corporations of the State of California, rights of way over public lands of the state for the location, construction and maintenance of water works and power plants; and the right to take material from such lands for the construction of such works and to take any waters belonging to the state for the purpose of supplying any such municipality and its inhabitants with water.

[Approved March 20, 1900.]

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

SECTION 1. That there is granted to every municipal corporation of the State of California, the right of way for the location, construction and maintenance of water works and works for the generation and distribution of electrical power, and for every necessary adjunct thereto, over any swamp, Grant of rights of way over state lands.

overflowed, or other public lands of the state, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works or adjuncts, or for the protection thereof, and not, in any case, exceeding one hundred feet in width along each side of the marginal limits of such works or adjuncts; also the right to take from any of the lands belonging to the state adjacent to the works of such corporation, all materials, such as wood, stone and earth, naturally appurtenant thereto, which may be necessary and convenient for the original construction of such works and adjuncts; and also the right to take any waters belonging to the state, not otherwise disposed of, now or hereafter flowing or existing in any stream or lake intersected, crossed, or tapped by said water works, so far as may be necessary to give such municipality and its inhabitants an ample supply of water for all municipal, domestic, irrigation and manufacturing purposes. Whenever any municipal corporation shall desire to take any of the said waters so belonging to the state, for the purposes mentioned in this act, the legislative authority thereof shall cause a notice that said municipal corporation intends to take such waters, to be posted and recorded in the manner provided in section 1415 of the Civil Code of California. Said notice shall be signed in the corporate name of such municipal corporation by its mayor, or other officer, authorized so to do by the legislative authority thereof. In taking any of said waters, under this act, such municipal corporation shall comply with and be subject to all the provisions of title VIII, sections 1410 to 1422, inclusive, of said Civil Code; *provided however*, that for the purpose of the taking of any of said waters by such municipal corporation, under the provisions of this act, the words "water works," as used herein, shall be construed to be the works by which such municipal corporation proposes to convey said waters, so taken from such stream or lake, to the place of intended use and store the same; *and provided further*, that the construction of said water works shall be deemed to be included in, and to be a part of, the construction of the works in which said municipal corporation intends to divert said waters, within the meaning of section 1416 of the said Civil Code.

Right to
take
waters.

Notice of
intention
to take
waters.

Change of
route,
reversion
of lands.

SEC. 2. If the route or location of any such works or adjuncts is changed so as not to cover or cross the lands selected, or the use of the land selected is abandoned, such selected lands revert, and the title thereto is reinvested in the state or its grantees free from all such uses.

Plat of
lands to be
furnished
certain
officers.

SEC. 3. When any selection of the right of way or land for such water works or adjuncts thereto is made by any municipal corporation, the legislative authority thereof must transmit to the surveyor general, controller of state and recorder of the county, in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct, and if approved, the surveyor general must so

indorse the plat and issue to the corporation a permit to use such right of way and lands, unless on petition properly presented to a court of competent jurisdiction, a review is had and such use prohibited.

SEC. 4. This act shall take effect immediately.

CHAPTER 353.

An act to amend an act entitled "An act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the state, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

[Approved March 20, 1909.]

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

SECTION 1. Section twelve of an act entitled "An act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the state, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, is hereby amended so as to read as follows:

Section 12. As soon as practicable, but not later than the third Monday in July, after the taxes have been computed and extended on the assessment list, verified by the assessor and signed by the president and secretary of said board, the board shall transmit, or cause the assessor to transmit, a duplicate of the list so made, to the tax collector of the county, who shall collect the taxes shown by said list to be due, in the same manner as he collects the county taxes, and all the provisions of the laws of the state as to the collection of taxes and delinquent taxes, and the enforcement of the payment thereof, so far as applicable, shall apply to the collection of taxes for sanitary purposes; and said tax collector, and the sureties on his official bond, shall be responsible for the due performance of the duties imposed upon him by this act; *provided*, that the

Collection
of sanitary
taxes.

Delin-
quent
taxes.

sanitary board may, in its discretion, direct the district attorney of the county to commence and prosecute suits for the collection of the whole, or any portion of the delinquent taxes; and it shall be the duty of the district attorney to carry out such directions of the sanitary board, and he, and the sureties upon his official bond, shall be responsible for the due performance of the duty imposed upon him by this act.

Sale of
property
for delin-
quent
taxes.

All money collected for sanitary purposes by the district attorney under this act shall be at once paid to the county treasurer; *provided further*, that the sanitary board may, at any time, by order entered in its minutes, provide a system for the collection of delinquent taxes, or make any change in the manner of their collection, which as to such taxes shall have the force of law. Whenever any property is sold for delinquent sanitary taxes, under the provisions of this act, the tax collector shall file with the county recorder, at the expense of the purchaser, a copy of the certificate of such sale; and when at any time redemption is made of any property which has been sold for delinquent sanitary taxes the redemption officer of the sanitary district shall immediately forward a copy of the redemption certificate to the county recorder and the county recorder shall inscribe or stamp upon the margin of the certificate of sale of said property then on file in his office, the word "Redeemed," together with the date, the amount paid, and the name of the party redeeming said property; *and further provided*, that whenever the tax collector issues a deed to the purchaser of any property sold for delinquent sanitary taxes, the said tax collector shall forward a copy of the deed to the county recorder, and the county recorder shall then inscribe or stamp upon the margin of the certificate of sale of said property then on file in his office, the words "Deeded to," together with the date, and the name of the party to whom said deed was issued. In the event that property upon which sanitary district taxes have become delinquent is, on account of such delinquency, sold by the tax collector, and a deed therefor is issued to any person other than the State of California, the party who was of record as the owner of such property at the time of such sale and of such issuance of such deed, is hereby granted the right to redeem said property from the tax title purchaser thereof, at any time within a period of five years from and after the issuance of such deed, by the payment to the said tax title purchaser of the amount for which the said property was to him sold by the tax collector and an additional premium which shall not be greater than one hundred per cent of the said purchase price. It is hereby declared to be unlawful for any person or persons who have purchased at a delinquent tax sale any property which is sold for delinquent sanitary taxes, to demand for its redemption any sum greater than the amount which is by this act specified; or to refuse to redeem any such property to the party who was the owner thereof at the time of such delinquent tax sale, when proper tender is made, within five years after

Redemp-
tion of
property.

Tax deeds.

date of such sale, of an amount which is not greater than the amount which is by this act prohibited.

SEC. 2. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect immediately.

CHAPTER 354.

An act to amend sections four hundred and eight-four and four hundred and eighty-five of the Political Code of the State of California, and to repeal all laws in conflict therewith.

[Approved March 20, 1900.]

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

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

484. The annual salary of the surveyor general, for all services rendered in any capacity whatsoever, is five thousand dollars. Salary of surveyor general.

SEC. 2. Section four hundred and eighty-five of the Political Code is hereby amended so as to read as follows:

485. The surveyor general may appoint a deputy surveyor general, who shall be ex officio deputy register of the state land office, and one assistant surveyor general, who shall be ex officio assistant register of the state land office, and two clerks, all of whom shall be civil executive officers. The annual salary of the deputy surveyor general, including his services as ex officio deputy register of the state land office is three thousand dollars. The annual salary of the assistant surveyor general, including his services as ex officio assistant register of the state land office, is two thousand dollars. The annual salary of each clerk to the surveyor general is one thousand six hundred dollars. Said salaries shall be paid in the same manner and at the same time as the salaries of other state officers. Assistants, and their salaries.

SEC. 3. All laws and parts of laws and all sections of either of the codes in conflict herewith are hereby expressly repealed.

SEC. 4. This act shall take effect immediately.

CHAPTER 355.

An act to amend section 647 of the Code of Civil Procedure of the State of California, relating to what is deemed excepted to.

[Approved March 20, 1909.]

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

SECTION 1. Section 647 of the Code of Civil Procedure is hereby amended to read as follows:

What are
deemed
excepted
to.

647. The verdict of the jury, the final decision in an action or proceeding, an interlocutory order or decision, finally determining the rights of the parties, or some of them, an order or decision from which an appeal may be taken, an order sustaining or overruling a demurrer, allowing or refusing to allow an amendment to a pleading, striking out a pleading or a portion thereof, refusing a continuance, an order made upon ex parte application, giving an instruction, although no objection to such instruction was made, refusing to give an instruction, modifying an instruction requested, an order or decision made in the absence of the party or an order granting or denying a nonsuit or a motion to strike out evidence or testimony, and a ruling sustaining or overruling an objection to evidence, are deemed to have been excepted to.

CHAPTER 356.

An act to prevent injury to oil, gas or petroleum-bearing strata or formations by the penetration or infiltration of water therein.

[Approved March 20, 1909.]

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

Duty of
owner to
case wells.

SECTION 1. It shall be the duty of the owner of any well now drilled or that may be drilled in the State of California on lands producing or containing oil, gas or petroleum, to properly case such well or wells, with metal casing in accordance with most approved methods, and to effectually shut off all water overlying or underlying the oil-bearing strata and to effectually prevent any water from penetrating such oil-bearing strata.

Aban-
doned
wells.

SEC. 2. It shall be the duty of the owner of any well referred to in section 1 of this act, before abandoning the same to withdraw the casing therefrom, and to securely fill such well

with clay, earth or cement mortar, or other good and sufficient materials, used alone or in suitable combination, and thoroughly pack and tamp the same into such well to a point as far above the upper oil-bearing strata as the commissioner hereinafter provided for may decide shall be necessary, and while withdrawing the casing therefrom to effectually and permanently shut off and exclude all water underlying and overlying said oil-bearing strata, and to the satisfaction of the commissioner, whether any oil-bearing strata has been encountered or not.

SEC. 3. It shall be the duty of the owner of any well referred to in section 1 of this act, to keep a careful and accurate log of the drilling of such well, such log to show the character and depth of the formations passed through or encountered in the drilling of such well, and particularly to show the location and depth of the water-bearing strata, together with the character of the water encountered from time to time, and to show at what point such water was shut off, if at all, and if not to so state in such log, and show the depth at which oil-bearing strata is encountered, the depth and character of the same, and whether all water overlying and underlying such oil-bearing strata was successfully and permanently shut off so as to prevent the percolation or penetration into such oil-bearing strata; said record of well to be kept on file and subject to the inspection of hereinafter mentioned commissioner at any time during business hours.

Drilling
"log" to
be kept.

SEC. 4. The term "owner" as herein used shall mean and include each and every person, persons, partnership, copartnership, association or corporation owning, leasing, managing, operating, drilling or possessing any well mentioned in sections 1 and 2 of this act, either as principal or principals, lessee or lessees of such principal or principals, contractor or contractors, and their and each of their employees. The term "oil-bearing strata" as herein used shall mean and include any bed, seam or stratum of rock or sand or other material which contains, includes, or yields earth oil, rock oil, or petroleum oil or natural gas or either of them.

Certain
terms
defined.

In order to carry out the provision of sections 1 and 2 of this act, upon petition of three or more operating oil companies, within the county, it shall be the duty of the board of supervisors of said county to appoint a commissioner who shall be a practical oil man, whose term of office shall be until December 31st of the year following time of appointment or until his successor is appointed.

Appoint-
ment of
commis-
sioner.

The duties of said commissioner shall be to see that the provisions of this act shall be enforced.

Duties.

The compensation of said commissioner shall be fixed by the board of supervisors and shall be paid out of the general county fund.

Compen-
sation.

Upon the filing of a complaint with said commissioner alleging the violation of any of the provisions of sections 1 or 2

Investiga-
tion of
wells.

of this act, it shall be the duty of the hereinbefore mentioned commissioner of the county, if so requested by the complainants, to make or cause to be made, a thorough investigation of the well in question, to determine whether or not any of the provisions of this act have been violated and for such purpose he is hereby empowered to appoint all necessary agents and assistants to conduct such examination and such agents and assistants may enter upon the premises where such well is situated and may take charge of such well for the purpose of making such investigations. If the defendant in the action shall be convicted of a violation of any of the provisions of sections 1 or 2 of this act, he shall, in addition to the penalties hereafter set forth, pay all reasonable and proper costs incident to the making of such investigations.

What
constitutes
nuisance.
Abatement
of
nuisance.

Any well drilled and abandoned, in violation of sections 1 or 2 of this act is hereby declared a public nuisance.

If any well, under the provision of sections 1 or 2 of this act be declared a public nuisance, it shall be the duty of commissioner of the county in which such well is situated to enter upon the premises, take possession of such well and to abate said nuisance and to take all necessary steps to prevent the percolation or penetration of water into the oil-bearing strata. He shall keep an accurate account of the expense of such work and all expenses so incurred shall be a charge against the owner of such well and a lien upon the same.

Misdemeanor.

Any person violating the provisions of this act shall be guilty of a misdemeanor.

Any owner of any well referred to in sections 1 or 2 of this act, who refuses to permit the commissioner to inspect the same or who willfully hinders or delays the commissioner in the performance of his duty is guilty of a misdemeanor.

An "act" to prevent injury to oil, or petroleum-bearing strata, or formations by infiltration or intrusion of water therein, approved March 24, 1903, is hereby repealed.

CHAPTER 357.

An act to amend section 650 of the Civil Code of the State of California, relating to the powers of boards of trustees of colleges and seminaries of learning.

[Approved March 20, 1900.]

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

SECTION 1. Section six hundred and fifty of the Civil Code of the State of California is hereby amended to read as follows:

650. Unless otherwise provided in the articles of incorporation the board of trustees shall, as soon as organized, so classify themselves that one fifth of their number shall go out of office every year, and thereafter the trustees shall hold office for five years. A majority of the trustees shall constitute a quorum for the transaction of business, and the office of the corporation shall be at the college or seminary.

Trustees,
organiza-
tion of.

The trustees shall have the power:

General
powers of
board.

1. To elect, by ballot, annually one of their number as president of the board.

2. Upon the death, removal out of the state, or other vacancy in the office, or expiration of the term of any trustee, to elect another in his place; *provided*, that where there are graduates of the institution, such graduates may, under such rules as the board shall prescribe, nominate persons to fill vacancies in the board of trustees. Such nominations shall be considered by the board, but it may reject any or all such nominations, and of its own motion appoint others.

3. To elect additional trustees; *provided*, the whole number elected shall never exceed twenty-five at any one time.

4. To declare vacant the seat of any trustee who shall absent himself from eight succeeding meetings of the board.

5. To receive and hold, by purchase, gift, devise, bequest, or grant, real or personal property for educational purposes connected with the corporation, or for the benefit of the institution.

6. To sell, mortgage, lease and otherwise use and dispose of the property of the corporation in such manner as they shall deem most conducive to the prosperity of the corporation.

7. To direct and prescribe the course of study and discipline to be observed in the college or seminary.

8. To appoint a president of the college or seminary, who shall hold his office during the pleasure of the trustees.

9. To appoint such professors, tutors, and other officers as they shall deem necessary, who shall hold their offices during the pleasure of the trustees.

10. To grant such literary honors as are usually granted by any university, college, or seminary of learning in the United States and in testimony thereof to give suitable diplomas under their seal, and the signature of such officers of the corporation and the institution as they shall deem expedient.

11. To fix salaries of the president, professors, and other officers and employees of the college or seminary.

12. To make all by-laws and ordinances necessary and proper to carry into effect the preceding powers and necessary to advance the interests of the college or seminary; *provided*, that no by-laws or ordinances shall conflict with the constitution or laws of the United States, or of this state.

CHAPTER 358.

An act to add a new section to the Penal Code of California to be numbered four hundred and ninety-nine c, relating to the taking, hiring, running, driving or using of an automobile, or taking or removing therefrom any part thereof, by the owner, or the manager of an automobile garage, his agent or employee, or any other person, without the consent of the owner of such automobile, and providing the punishment for a violation thereof.

[Approved March 20, 1909.]

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

SECTION 1. A new section is hereby added to the Penal Code of California to be numbered four hundred ninety-nine c, and to read as follows:

Unlawful
use of
automobiles.

499c. Every owner or manager of an automobile garage, or any agent or employee of such owner or manager, or any other person, having the care, custody or possession of any automobile, who takes, hires, runs, drives or uses such automobile, or who takes or removes therefrom any part thereof, without the owner's consent, is punishable by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

CHAPTER 359.

An act to add to the Penal Code of the State of California a new section to be numbered 587b, to prevent trespassing upon railroad locomotives, tenders, cars and trains.

[Approved March 20, 1909.]

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

SECTION 1. A new section is hereby added to the Penal Code of the State of California, to be numbered 587b, to read as follows:

Trespassing on
railroad
trains.

587b. Every person, who shall, without being thereunto authorized by the owner, lessee, person or corporation operating any railroad, enter into, climb upon, hold to, or in any manner attach himself to any locomotive engine tender, freight or passenger car upon such railroad, or any portion of any train thereon, shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment.

SEC. 2. This act shall take effect immediately.

CHAPTER 360.

An act to amend section 1272 of the Penal Code of California, relating to admission to bail pending appeal.

[Approved March 20, 1900.]

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

SECTION 1. Section 1272 of the Penal Code of California is hereby amended to read as follows:

1272. *When admitted to bail after conviction and upon appeal.* After conviction of an offense not punishable with death, a defendant who has appealed may be admitted to bail: Admission to bail upon appeal.

1. As a matter of right, when the appeal is from a judgment imposing a fine only.

2. As a matter of right, when the appeal is from a judgment imposing imprisonment in cases of misdemeanor.

3. As a matter of discretion in all other cases.

CHAPTER 361.

An act to amend section four thousand two hundred and sixty-six of the Political Code of the State of California, relating to salaries and fees of officers of counties of the thirty-seventh class.

[Approved March 20, 1909.]

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

SECTION 1. Section 4266 of the Political Code of the State of California is hereby amended to read as follows:

4266. In counties of the thirty-seventh class, the county officers shall receive as compensation for their services required of them by law, or by virtue of their office, the following salaries, to wit: Salaries in counties of thirty-seventh class (Kings).

1. The county clerk, twenty-five hundred dollars per annum, and one deputy at a salary of one thousand dollars per annum, payable monthly in the same manner as the salaries of the county officers are paid, which office of deputy clerk is hereby created.

2. The sheriff, four thousand dollars per annum, and one jailer at a salary of nine hundred dollars per annum.

3. The recorder, eighteen hundred dollars per annum, and one copyist at six hundred dollars per annum, payable monthly in the same manner as the salaries of county officers are paid, which office of copyist is hereby created.

Salaries in
counties of
thirty-
seventh
class
(Kings).

4. The auditor, eighteen hundred dollars per annum.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, twenty-five hundred dollars per annum, which shall be in full for all services as tax collector and as license collector.

7. The assessor, fifteen hundred dollars per annum, and the said assessor in addition to said salary may retain for his own use such fees as are now provided by law, and said assessor shall be allowed one draughtsman at a salary of four hundred dollars per annum, payable monthly in the same manner as the salaries of the county officers are paid, which office of draughtsman is hereby created.

8. The district attorney, two thousand dollars per annum.

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

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

11. The superintendent of schools, eighteen hundred dollars per annum.

12. The surveyor, such fees as are now or may hereafter be provided by law.

Super-
visors.

13. Supervisors, each the sum of eight hundred dollars per annum for all services performed by them as supervisors and as members of the board of equalization and road commissioners.

Township
officers.

14. In counties of this class, the township officers shall receive the following compensation, to wit: In townships having a population of four thousand, justices of the peace shall receive a monthly salary of seventy-five dollars; and constables a monthly salary of one hundred dollars. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; they may also retain for their own use all other fees, except those in criminal cases, as are now or may hereafter be provided by law. In townships having a population of less than four thousand, each justice of the peace and each constable shall receive as compensation for his services such fees as are now or may hereafter be provided by law.

Jurors.

15. Grand jurors and jurors in the superior court in criminal cases shall be paid three dollars per day for each day's attendance, and for each mile actually traveled in going only, while acting as such juror ten cents, and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

CHAPTER 362.

An act to amend section one of an act entitled "An act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this state," approved March 23, 1907, and to add a new section thereto to be numbered two and one-half relating to competition in trade and industry, and to add a new section thereto to be numbered section thirteen relating to labor.

[Approved March 20, 1909.]

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

SECTION 1. Section one of an act entitled "An act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this state," is hereby amended to read as follows:

Section 1. A trust is a combination of capital, skill or acts by two or more persons, firms, partnerships, corporations or associations of persons, or of any two or more of them for either, any or all of the following purposes: A trust defined.

1. To create or carry out restrictions in trade or commerce.
2. To limit or reduce the production, or increase the price of merchandise or of any commodity.
3. To prevent competition in manufacturing, making, transportation, sale or purchase of merchandise, produce or any commodity.
4. To fix at any standard or figure, whereby its price to the public or consumer shall be in any manner controlled or established, any article or commodity of merchandise, produce or commerce intended for sale, barter, use or consumption in this state.
5. To make or enter into or execute or carry out any contracts, obligations or agreements of any kind or description, by which they shall bind or have bound themselves not to sell, dispose of or transport any article or any commodity or any article of trade, use, merchandise, commerce or consumption below a common standard figure, or fixed value, or by which they shall agree in any manner to keep the price of such article, commodity or transportation at a fixed or graduated figure, or by which they shall in any manner establish or settle the price of any article, commodity or transportation between them or themselves and others, so as to directly or indirectly preclude a free and unrestricted competition among themselves, or any purchasers or consumers in the sale or transportation of any such article or commodity, or by which they shall agree to pool, combine or directly or indirectly unite any interests that

they may have connected with the sale or transportation of any such article or commodity, that its price might in any manner be affected. Every such trust as is defined herein is declared to be unlawful, against public policy and void, *provided* that no agreement, combination or association shall be deemed to be unlawful or within the provisions of this act, the object and business of which are to conduct its operations at a reasonable profit or to market at a reasonable profit those products which can not otherwise be so marketed, *provided further*, that it shall not be deemed to be unlawful, or within the provisions of this act, for persons, firms or corporations, engaged in the business of selling or manufacturing commodities of a similar or like character, to employ, form, organize or own any interest in any association, firm or corporation, having as its object or purpose the transportation, marketing or delivery of such commodities.

Excep-
tions.

SEC. 2. A new section is hereby added to said act to be numbered section two and one-half and to read as follows:

Agree-
ments
permitted.

Section 2½. It shall be lawful to enter into agreements or form associations or combinations, the purpose and effect of which shall be to promote, encourage or increase competition in any trade or industry, or which are in furtherance of trade.

SEC. 3. A new section is hereby added to said act to be numbered section thirteen and to read as follows:

Labor not
a com-
modity.

Section 13. Labor whether skilled or unskilled is not a commodity within the meaning of this act.

SEC. 4. This shall take effect immediately.

CHAPTER 363.

An act to amend section 1164 of the Political Code of the State of California, relating to proclamation at closing the polls.

[Approved March 20, 1900.]

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

SECTION 1. Section 1164 of the Political Code of the State of California is hereby amended to read as follows:

Rights of
voters at
closing
time.

1164. When the polls are closed, that fact must be proclaimed aloud at the place of election; and after such proclamation, no ballot must be received; *provided, however*, that if at the hour of closing there are any other voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote. But no one who shall arrive at the polling place after six o'clock in the afternoon shall be entitled to vote, although the polls may be open when he arrives.

CHAPTER 364.

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

[Approved March 20, 1900.]

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

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

4232. In counties of the third class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries: Salaries in counties of third class (Alameda).

1. The county clerk, four thousand 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; five courtroom 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; 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 said county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the county clerk; *provided further*, that in such years as the compilation of a great register of voters is required by law to be made, the county clerk in counties of this class shall be and he is hereby allowed the following additional help: One clerk for a period of and not exceeding ten months whose salary is hereby fixed at one hundred and twenty-five dollars per month; ten clerks for a period of and not exceeding six months whose salaries are hereby fixed at one hundred dollars per month each; ten clerks for a period of and not exceeding one month whose

Salaries in
counties of
third class
(Ala-
meda.)

salaries are hereby fixed at one hundred dollars per month each; such clerks shall be appointed by the county clerk of such county, and during their respective periods of employment their salaries shall be paid by such county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the county clerk of such county.

2. The sheriff, four thousand dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the sheriff, one undersheriff whose salary is hereby fixed at the sum of 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; five deputies, who shall be bailiffs, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; one stenographer, whose salary is hereby fixed at the sum of nine 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, and 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; *provided further*, that the undersheriff, all deputies, bookkeepers, office deputy, detectives, transportation men, bailiffs, stenographer, chief jailer, assistant jailers, turnkeys, matron for jail, and 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 within his county, and the same shall be a charge against the county, and allowed as such by the board of supervisors, and paid as other county charges are paid; *provided further*, that the provisions of this subdivision of this section shall be in force from and after its passage.

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; *provided further*, that the salary of the chief deputy, and the salaries of the eight deputies herein provided for shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same 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 eight cents per folio for each paper or document so recorded; *and provided further*, that said recorder shall file monthly with the county auditor a verified statement showing in detail the persons and the amount paid to each for such recording.

Salaries in counties of third class (Alabama).

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; three deputies who shall be appointed by the auditor of said county, and whose salaries are hereby fixed at the sum of twelve hundred dollars per annum 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 assistance as the auditor may appoint, and whose compensation shall not in the aggregate exceed the sum of two thousand dollars per annum; *and provided*, that the auditor shall file with the county clerk a certified statement showing in detail the amounts paid, and the 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; two deputies, whose salaries are hereby fixed at the sum of eighteen hundred dollars per annum each; and one deputy, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum, which sums shall be paid by said county in equal monthly installments at the same time and in

Salaries in
counties of
third class
(Alameda).

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.

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 the 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 book-keeper, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one state lands clerk, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one stenographer, whose salary is hereby fixed at the sum of nine hundred dollars per annum; *provided further*, that there shall be and there hereby is allowed to the tax collector three extra deputies for a period not to exceed eight months in any one year, at a salary of one hundred dollars per month each; six extra deputies for a period not to exceed five months in any one year, at a salary of one hundred dollars per month each; six extra deputies for a period not to exceed four months in any one year, at a salary of one hundred dollars per month each; *provided further*, that in counties of this class the tax collector shall appoint six persons to be known as indexers, which office is hereby created, and whose duties it shall be under the supervision and direction of the tax collector to compile, make out, and complete an index of the assessment rolls of the county, and of the sanitary assessment rolls for each sanitary district in the county of Alameda, yearly, commencing with the year 1909, 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.

Salaries in
counties of
third class
(Ala-
meda).

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

8. The assessor, four thousand dollars per annum; *provided* that in counties of this class there shall be and there hereby is allowed to the assessor the following deputies, who shall be appointed by the assessor, and shall be paid salaries as follows: One chief deputy, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; one head deputy assessor, city department, whose salary is hereby fixed at the sum of fifteen 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 fifteen hundred dollars per annum; one bookkeeper, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; seven 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: *and provided further* that in counties of this class the assessor shall receive commissions for his collections of taxes on personal property, and such assessor shall receive compensation or commissions for the collection of poll taxes or road poll taxes; *provided however* that should the

Salaries in
counties of
third class
(Ala-
meda).

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; *provided* that on and after January first, 1911, the assessor in all counties of the third class shall receive as compensation for all services rendered, seven thousand dollars per annum and shall receive no commissions or compensation for his collections of taxes on personal property or for the collection of poll taxes or road poll taxes; and shall be allowed the deputies above mentioned.

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 thirty-three hundred dollars per annum; one chief deputy district attorney, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; three deputy district attorneys whose salaries are hereby fixed at the sum of twenty-four hundred dollars per annum each; two deputy district attorneys whose salaries are hereby fixed at the sum of eighteen hundred dollars per annum each; one clerk whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; three stenographers whose salaries are hereby fixed at the sum of nine hundred dollars per annum each; one detective who shall assist the district attorney in the detection of crime and prosecution of criminal cases, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; and two deputy district attorneys whose salaries are hereby fixed at the sum of twenty-four hundred dollars per annum 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: *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 requires it. The salaries of said assistants, deputies, clerk, detective 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.

10. The coroner must hold inquests as prescribed by chapter 2, title 12, part 2 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 postmortem 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, and may, on the written order of the district attorney, employ a stenographer for the purpose of taking down in shorthand and transcribing the testimony of such witness or witnesses testifying at such inquest; the compensation of such stenographer shall be the same as that allowed superior court phonographic reporters as provided in section 274 of the Code of Civil Procedure; and when such testimony is taken down by such stenographer as herein set forth, his transcription thereof duly certified to by him shall constitute the deposition of the witness or witnesses testifying at such inquest.

Coroner,
powers
and duties
of.

The coroner shall be and he is hereby allowed such fees as are now or may hereafter be allowed by law; *provided*, that in counties of this class he shall be paid in the same manner and out of the same funds as such fees are now paid the sum of two dollars for each certificate of the cause of death made by him; *and further provided*, that on and after January 1, 1911, in counties of this class the coroner shall be paid out of the same fund and in the same manner as other county officers, four thousand dollars per annum and his actual necessary expenses in traveling outside the county seat which shall be in full compensation for all services rendered by him; and on and after said first day of January, 1911, the coroner in counties of this class shall be and hereby is allowed one deputy, which position is hereby created, and whose salary is hereby fixed at the sum of eighteen hundred dollars per annum, and a stenographer, which position is hereby created, and whose compensation is hereby fixed at 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 twenty cents per hundred words for one copy and fifteen cents per 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

Fees of
coroner.

such testimony is taken down by such stenographer as herein set forth, his transcription thereof duly certified to by him shall constitute the deposition of the witnesses testifying at such inquest so reported by such stenographer.

The 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.

Public
admin-
istrator.

11. The public administrator, such fees as are now or may be hereafter allowed by law.

Superin-
tendent
of schools.

12. The superintendent of schools, four thousand dollars per annum; *provided* that in counties of this class there shall be and hereby is allowed to the superintendent of schools, one assistant superintendent of schools, one chief deputy superintendent of schools and one deputy superintendent of schools, all of whom shall be appointed by the superintendent of schools of said county, and whose salaries shall be as follows: The salary of the assistant superintendent of schools shall be two hundred dollars per month; the salary of the chief deputy superintendent of schools shall be one hundred and fifty dollars per month; and that of the deputy superintendent of schools shall be one hundred and twenty-five dollars per month. The salaries shall be paid out of the same fund and in the same manner as the salary of the superintendent of schools is paid.

Surveyor.

13. The surveyor shall receive ten dollars per day for all work performed for the county, and in addition thereto all necessary expenses and transportation for work performed in the field; *provided*, that whenever the surveyor is directed or charged to make plat, trace, or otherwise prepare maps, plats, or block books for the use of the county, city and county, or any municipality within such county, then such county surveyor shall only be allowed, in addition to the actual cost and expense of making, platting, tracing, or otherwise preparing said maps, plats or block books, a compensation to be determined by the board of supervisors, not exceeding the sum of ten dollars per day while he is actually so employed; *and provided further* that such county surveyor shall file with the county auditor a sworn statement showing in detail the amount so paid and the persons to whom such amounts have been so paid or such expenses as aforesaid.

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 nineteen thousand, two hundred and twenty-five dollars; and each justice of the peace in townships having a population of more than nineteen thousand shall be provided by the board of super-

visors with a suitable office in which to hold his court, at an expense of not to exceed twenty-five dollars per month, the location of which is to be selected by the justice of the peace; in townships having a population of fifteen thousand and less than nineteen thousand, one hundred and 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; *provided*, that in townships containing a population of more than nineteen thousand there shall be but one justice of the peace in and for such townships.

Each justice of the peace must keep a book open for the inspection of the public, during office hours, in which must be entered at once and in detail the amount of all fines collected by him in criminal cases, and on the first Monday of each and every month he must pay such fines so collected into the county treasury or city treasury as provided by law.

For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships, as shown by the federal census taken in the year A. D. 1900.

Deter-
mination
of popu-
lation.

15. Constables shall receive the following monthly salaries, to be paid each month and in the same manner and out of the same fund as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than twenty-five thousand, one hundred and fifty dollars; in townships having a population of nineteen thousand, and not more than twenty-five thousand, one hundred and twenty-five dollars; in townships having a population of fifteen thousand and less than nineteen thousand, one hundred and twenty-five dollars; in townships having a population of less than fifteen thousand, eighty-five dollars; *provided*, that in townships having a population of fifteen thousand and less than nineteen thousand there shall be but one constable. In addition to the compensation received in criminal cases each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases; *provided*, that in counties of this class constables shall be and they are hereby allowed such expenses as are actually and necessarily incurred by them in conveying prisoners to and from the county jail; such expenses to be itemized and presented as a claim against the county, and to be audited and allowed by the board of supervisors and paid out of the county treasury in the manner as are other claims.

Consta-
bles.

For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships, as shown by the federal census taken in the year A. D. 1900.

Deter-
mination
of popu-
lation.

Super-
visors.

16. Each supervisor, two hundred and twenty-five dollars per month, *provided however*, that no mileage of whatever kind or nature shall be charged against the county.

CHAPTER 365.

An act to amend section 1160 of the Political Code of the State of California, relating to the time of opening and closing the polls.

[Approved March 20, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1160 of the Political Code of the State of California is hereby amended to read as follows:

Polls,
opening
and
closing of.

1160. The polls must be opened at six o'clock of the morning of the day of election, and must be kept open until six o'clock in the afternoon of the same day, when the polls shall be closed, except as provided in section 1164 of this code.

CHAPTER 366.

An act to amend section five hundred and thirteen of the Political Code of the State of California relating to the salary of the superintendent of public instruction.

[Approved March 20, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section five hundred and thirteen of the Political Code of the State of California is hereby amended to read as follows:

Salary of
superin-
tendent of
public in-
struction.

513. The annual salary of the superintendent of public instruction shall be the same as that of the secretary of state, namely five thousand dollars.

SEC. 2. This act shall take effect and be in force on and after its passage.

CHAPTER 367.

An act authorizing suits against the state concerning certain real property and regulating the procedure therein.

[Approved March 20, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. In all cases where the State of California has sold any land or lands to any person or persons and the deed or patent from the State of California therefor has been lost or destroyed and was never recorded in the office of any county recorder in the State of California, the person or persons claiming or deraining title to any of such lands through any such lost or destroyed deed or patent is and are hereby authorized to bring suit against the State of California in any court of competent jurisdiction of said state to quiet title to said land or any portion thereof, and to prosecute the same to final judgment. The rules of practice in civil cases relating to suits to quiet title shall apply to such suits as may be brought under this authorization except as otherwise provided. If judgment be given against the state in any such suit, no costs can be recovered from the state thereunder and before any judgment can be given against the state hereunder it must be made to appear to the court affirmatively that such deed or patent has been duly issued by the state.

Suit against state to quiet title in certain cases.

Rules of practice.

SEC. 2. Any such suits to quiet title shall be commenced within one year after this act takes effect.

Must be commenced, when.

SEC. 3. Service of summons in such suits shall be made on the governor, surveyor general and attorney general. It shall be the duty of the attorney general to defend all such suits.

Summons service on whom.

SEC. 4. This act shall take effect immediately.

CHAPTER 368.

An act to add a new section to the Code of Civil Procedure of the State of California, to be known as number one thousand four hundred sixty-five a, relating to notices to be given of petitions to set aside exempt property for the use of the family.

[Approved March 20, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure of the State of California to be known as section 1465a to read as follows:

Notice of
hearing,
posting of.

1465a. When the petition mentioned in the preceding section is filed the clerk of the court must set the petition for hearing by the court and give notice thereof by causing notices to be posted in at least three public places in the county, one of which must be at the place where the court is held, containing the name of the decedent, the name of the petitioner, the nature of the application and the time at which the same will be heard. Such notice must be given at least ten days before the hearing, and a copy thereof must be mailed at least ten days before the day appointed for the hearing to the executor or administrator, if he be not the petitioner, and to any person named as co-executor or co-administrator not petitioning, addressed to them at their places of residence, if known, and if not known, then to the county seat of the county where the proceedings are pending. Proof of such posting and mailing must be made at the hearing.

CHAPTER 369.

An act to amend section one thousand four hundred sixty-five of the Code of Civil Procedure relating to the setting apart of property exempt from execution for the use of the family.

[Approved March 20, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1465 of the Code of Civil Procedure shall be amended so as to read as follows:

What
property
may be set
apart for
use of
family.

1465. Upon the return of the inventory, or at any subsequent time during the administration, the court may on petition therefor, set apart for the use of the surviving husband or wife, or, in case of his or her death, to the minor children of the decedent, all the property exempt from execution, including the homestead selected, designated, and recorded; *provided* such homestead was selected from the common property, or from the separate property, of the persons selecting or joining in the selection of the same. If none has been selected, designated, and recorded, or in case the homestead was selected by the survivor out of the separate property of the decedent, the decedent not having joined therein, the court must select, designate and set apart, and cause to be recorded, a homestead for the use of the surviving husband or wife and the minor children; or if there be no surviving husband or wife, then for the use of the minor children, in the manner provided in article 2 of this chapter, out of the common property, or if there be no common property, then out of the real estate belonging to the decedent.

CHAPTER 370.

An act to amend section one thousand six hundred and ninety-nine of the Code of Civil Procedure relating to settlement of accounts of trustees after distribution of estates and compensation of trustees.

[Approved March 20, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1699 of the Code of Civil Procedure is hereby amended to read as follows:

1699. Where any trust has been created by or under any will to continue after distribution, the superior court shall not lose jurisdiction of the estate by final distribution, but shall retain jurisdiction thereof for the purpose of the settlement of accounts under the trusts. And any trustee created by any will, or appointed to execute any trust created by any will, may, from time to time, pending the execution of his trust, or may, at the termination thereof, render and pray for the settlement of his accounts as such trustee, before the superior court in which the will was probated, and in the manner provided for the settlement of the accounts of executors and administrators. The trustee, or, in case of his death, his legal representatives, shall, for that purpose, present to the court his verified petition, setting forth his accounts in detail, with a report showing condition of trust estate, together with a verified statement of said trustee, giving the names and post office addresses, if known, of the cestui que trust, and upon the filing thereof, the clerk shall fix a day for the hearing, and give notice thereof of not less than ten days, by causing notices to be posted in at least three public places in the county, setting forth the name of the trust estate, the trustee, and the day appointed for the settlement of the account. The court, or a judge thereof, may order such further notice to be given as may be proper. Such trustee may, in the discretion of the court, upon application of any beneficiary of the trust, or the guardian of such beneficiary, be ordered to appear and render his account, after being cited by service of citation, as provided for the service of summons in civil cases, and such application shall not be denied where no account has been rendered to the court within six months prior to such application. Upon the filing of the account so ordered, the same proceedings for the hearing and settlement thereof shall be had as hereinabove provided.

Settlement
of
accounts
under
trusts.

Petition
of trustee.

Notice of
hearing.

Citation to
require
account.

CHAPTER 371.

An act restricting the powers of boards of supervisors in the matter of imposing licenses upon the business of raising, grazing, herding and pasturing sheep.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Board of supervisors to impose license.

SECTION 1. No license or licenses greater than three cents per head shall be imposed by the board of supervisors of any county in this state on the business of raising, grazing, herding or pasturing sheep, and any and all licenses imposed by the board of supervisors of any county on the business of raising, grazing, herding or pasturing sheep, in excess of three cents per head, shall be and are hereby declared invalid; *provided*, the provisions of this act shall not apply to any license tax the validity of which is involved in any suit now pending or to any such license tax due when this act takes effect.

SEC. 2. Any license tax, imposed by any board of supervisors of any county in this state, upon the business of raising, grazing, herding or pasturing sheep, shall not be so construed and applied as to permit a license tax for or on account of lambs under eight months old.

SEC. 3. This act shall take effect immediately.

CHAPTER 372.

An act to add to the Penal Code of the State of California, a new section to be numbered 587a, prohibiting unauthorized persons from manipulating, tampering or interfering with railroad appliances, and prescribing punishment for violation of such prohibition.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code of the State of California, to be numbered 587a, and to read as follows:

Tampering with air brakes.

587a. Every person, who, without being thereunto duly authorized by the owner, lessee, or person or corporation engaged in the operation of any railroad, shall manipulate or in anywise tamper or interfere with any air brake or other device, appliance or apparatus in or upon any car or locomotive upon such railroad, and used or provided for use in the

operation of such car or locomotive, or of any train upon such railroad, or with any switch, signal or other appliance or apparatus used or provided for use in the operation of such railroad, shall be deemed guilty of a misdemeanor. Penalty.

CHAPTER 373.

An act to amend section six hundred and forty-eight of the Civil Code, relative to building and loan associations.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 648 of the Civil Code is hereby amended to read as follows:

648. The name "building and loan associations" as used in this title shall include:

First. Corporations formed for the purpose of receiving money from, and loaning money to, their members only.

Second. Corporations, associations, companies, copartnerships, and individuals transacting the business of issuing or selling bonds, debentures, certificates, shares of stock, or other papers, by whatever names said instruments may be designated, whether said instruments are issued for money paid in advance or for money to be paid in installments, but with an intent, either implied or expressed, that the proceeds or accumulated installments thereof and thereon are to be withdrawable or repayable, with accumulated profits, at some future fixed, or indefinite date of maturity; *provided always*, that this section does not include persons, copartnerships or corporations engaged in any kind of banking business.

SEC. 2. This act shall take effect and be in force from and after its passage.

Building and loan associations, to include what.

CHAPTER 374.

An act to amend section 4231 of the Political Code of the State of California, relating to compensation of officers of counties of the second class, their clerks, deputies, and assistants.

[Approved March 22, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4231 of the Political Code is hereby amended to read as follows:

Salaries in
counties of
second
class (Los
Angeles).

4231. In counties of the second class the county and township officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk the following clerks, deputies and 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 thirty-five dollars per month; one deputy who shall be an assistant to the registration clerk at a salary of one hundred and twenty-five dollars per month; one deputy who shall be an assistant to the registration clerk at a salary of one hundred and ten dollars per month; one deputy, who shall be clerk of the board of supervisors, at a salary of one hundred and fifty dollars per month; twelve deputies who shall be courtroom 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 twenty-five dollars per month; one deputy who shall be an assistant judgment clerk at a salary of one hundred and ten 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; two deputies who shall be recording clerks for probate orders at a salary of one hundred and fifteen dollars each 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 and ten dollars per

month; one deputy who shall be a stenographer for the board of supervisors at a salary of one hundred dollars per month; one deputy who shall be a miscellaneous department clerk at a salary of one hundred and twenty-five dollars per month; six deputies at a salary of one hundred dollars each per month; one messenger and telephone boy at a salary of sixty dollars per month; one deputy at a salary of twenty-five dollars per month; 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 one additional deputy in each voting precinct in the county for the purpose of registering electors in such precincts, who shall be paid five cents per name for each elector legally registered by them. The salaries of the deputies, clerks and 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.

Salaries in counties of second class (Los Angeles).

2. The sheriff, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff an undersheriff 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 undersheriff, 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 fifteen 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-five 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 ninety dollars each per month; one deputy, who shall be bookkeeper at the county jail, at a salary of one hundred dollars 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 salary of one hundred dollars per month. The salaries of the undersheriff, 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

Salaries in
counties of
second
class (Los
Angeles).

money necessarily expended by him in serving all processes and notices, and the same shall be charged against the county and allowed as such by the board of supervisors, and paid as other county charges are paid. In case of sale of property on foreclosure of mortgage or on execution, the sheriff shall be entitled to receive all necessary expenses of keeping the property and of advertising the sale.

3. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies and copyists, who shall be appointed by the recorder of said 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 thirty 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; fifteen deputies at a salary of one hundred dollars each per month; three deputies at a salary of seventy-five dollars each per month; and as many copyists as may be required, who shall receive as compensation for their services the sum of seven cents per folio, for recording any instrument or notice, except maps or plats; for copies of any paper or record, seven cents per folio. The salaries and compensation of all deputies and copyists herein provided for shall be paid by the county in monthly installments, at the same time, in the same manner and out of the same fund as the salary of the county recorder is paid.

4. The auditor, three thousand six hundred dollars per annum; *provided*, that in counties of this class, there shall be and there hereby is allowed to the auditor the following deputies, clerks, and assistants, who shall be appointed by the auditor, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy who shall be in charge of the redemption department at a salary of one hundred and thirty-five dollars per month; 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 fifteen dollars per month; two deputies at a salary of one hundred dollars each per month; one hundred 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.

Salaries in counties of second class (Los Angeles).

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 and bookkeeper at a salary of one hundred and fifty 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.

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 twenty-five dollars per month; two deputies, who shall be assistants to the chief clerk, at a salary of one hundred and ten 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 ten dollars per month; two deputies who shall be assistants to the cashier, at a salary of one hundred and ten dollars each per month, for a period not to exceed six months in any one year; one deputy who shall be correspondence clerk, at a salary of one hundred and twenty-five dollars per month; one deputy who shall be correspondence clerk, at a salary of one hundred and fifteen dollars per month; one deputy who shall be license clerk, at a salary of one hundred and ten dollars per month; two deputies who shall be checking clerks, at a salary of one hundred and fifteen dollars each per month; and one deputy who shall be register clerk, at a salary of one hundred and ten dollars per month; one deputy who shall be record clerk, at a salary of one hundred and ten dollars per month; two deputies who shall be license inspectors, at a salary of one hundred dollars each per month; one deputy who shall be chief report clerk, at a salary of one hundred and twenty-five 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

Salaries in
counties of
second
class (Los
Angeles).

salary of one hundred, and ten dollars per month; twelve deputies, at a salary of one hundred dollars each per month; two deputies who shall be sale and redemption clerks, at a salary of one hundred dollars each per month; one deputy who shall be map clerk, at a salary of one hundred and fifteen dollars per month; one deputy who shall be a stenographer at a salary of seventy-five dollars per month; sixty-five clerks for a period not to exceed six months during the year 1909, at a salary of four dollars per day each for each day employed; and for any year subsequent to the year 1909, eighty-five clerks for a period not to exceed six months in any one year at a salary of four dollars each per day 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 1909, 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 1909 shall not exceed in the aggregate two thousand dollars for any such year. The tax collector shall also be allowed and there is hereby allowed a sum not to exceed six hundred dollars for the necessary traveling expenses of said license tax collector each year. The salaries of the deputies, clerks, assistants, and stenographers herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the tax collector is paid.

7. The district attorney, six thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the district attorney, the following deputies, employees, and assistants who shall be appointed by the district attorney of said county and who shall be paid salaries as follows: One assistant district attorney at a salary of two hundred and seventy-five dollars per month; one chief deputy at a salary of two hundred and fifty dollars per month; four deputies at a salary of two hundred and twenty-five dollars per month each; seven deputies at a salary of two hundred dollars each per month; one clerk at a salary of one hundred and fifty dollars per month; two detectives at a salary of one hundred and thirty-five dollars each per month; two process servers at a salary of one hundred dollars each per month; one stenographer at a salary of one hundred and fifty dollars per month; three 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.

Salaries in counties of second class (Los Angeles).

8. The assessor, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the assessor the following deputies, clerks, stenographers, and copyists, who shall be appointed by the assessor, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one head deputy, county department, at a salary of one hundred and twenty-five dollars per month; one head deputy, city department, at a salary of one hundred and twenty-five dollars per month; two improvement valuation deputies at a salary of one hundred and twenty dollars each per month; three real estate valuation deputies at a salary of one hundred and twenty dollars each per month; one deputy who shall be a cashier 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; ten deputies at a salary of one hundred dollars each per month; four transfer deputies at a salary of one hundred dollars each per month; fifty field deputies for a period not exceeding four 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; twenty-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 four months in any one year, at a salary of one hundred dollars each per month; fifteen copyists at a salary of seventy-five dollars each per month; ten copyists for a period not exceeding four months in any one year at a salary of seventy-five dollars each per month; forty copyists for a period not exceeding four months in any one year at a salary of seventy-five dollars each per month; eight comparers, for a period not exceeding four months in any one year, at a salary of eighty dollars each per month; 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 seventy-five dollars each per month; there is also allowed not to exceed five hundred dollars for traveling expenses of the said assessor or his deputies for each year. 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*

Salaries in
counties of
second
class (Los
Angeles).

provided, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall the said assessor receive any compensation for making out the military roll of persons returned to him as subject to military duty as provided by section one thousand nine hundred and one of the Political Code; *provided, however*, that fifteen per cent of all moneys collected by him for poll taxes, and road poll taxes shall be allowed to such counties on their settlement with the state, and be and remain the property of such counties.

9. The coroner, three thousand dollars per annum and his 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 into longhand and file a certified copy thereof with the county clerk; one clerk at a salary of one hundred and twenty-five dollars per month. The salaries of the deputies, clerk and stenographer herein provided for shall be paid by the county, in the same manner, at the same time, and out of the same funds as the salary of the coroner is paid.

10. The public administrator, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the public administrator one deputy at a salary of one hundred and fifty dollars per month. The salary of said deputy shall be paid by the county in the same manner, at the same time, and out of the same fund as the salary of the public administrator is paid.

11. The superintendent of schools, three thousand six hundred dollars per annum, which shall be in full for all services, including attendance upon the board of education, also actual necessary traveling expenses not to exceed five dollars for every school district in the county; *provided*, that in counties of this class there shall be and there hereby is allowed the superintendent of schools the following assistants and deputies who shall

be appointed by the superintendent of schools of said county, and who shall be paid salaries as follows: Two assistants at a salary of one hundred and seventy-five dollars each per month; two deputies at a salary of one hundred and twenty-five dollars each per month; two deputies at a salary of one hundred dollars each per month. The salaries of the assistants and deputies herein provided for shall be paid by the county at the same time, in the same manner, and out of the same fund as the salary of the superintendent of schools is paid.

Salaries in counties of second class (Los Angeles).

12. The health officer, fifteen hundred dollars per annum, and special health officers when appointed as in this title provided, ten dollars each per day; *provided*, that not more than five hundred dollars per annum shall be paid or expended in any one year in payment of special health officers. The salaries of the health officer and special health officers shall be paid by the county in the same manner and at the same time and out of the same fund as the salaries of county officers are paid.

12½. Each member of the county board of education, except the secretary thereof, five dollars for each session of the board attended, not exceeding a total of four hundred dollars to any member in any one year. In addition, each member shall be entitled to mileage at the rate of ten cents per mile, for one way only, while attending the regular sessions. Said compensation of the 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, one chief deputy who shall be a licensed engineer, and fifteen deputies who shall be draughtsmen, and who shall be appointed by the surveyor of said county and shall be paid salaries as follows: One chief deputy at a salary of two hundred and fifty dollars per month; one deputy at a salary of one hundred and fifty dollars per month; seven deputies at a salary of one hundred and twenty-five dollars each per month; five deputies at a salary of one hundred dollars each per month; two deputies at a salary of ninety dollars each per month. The salaries of said surveyor and said deputies and draughtsmen herein provided for shall be paid by said county in monthly installments at the same time, in the same manner and out of the same fund as the salary of the county surveyor is paid.

14. Supervisors, two thousand four hundred dollars per annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either as road commissioners or supervisors, not exceeding in the aggregate seven hundred and fifty dollars each

Super-
visors.

Super-
visors.

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; 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; thirty clerks for a period not exceeding thirty days in any one year at a salary of four dollars each for each day actually employed to assist said board while sitting as a board of equalization; and in addition to the clerks hereinbefore provided for, in years when a general election is held in the state, there shall be and hereby is allowed the said board of supervisors forty 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 offices 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.

Justices of
the peace.

15. Justices of the peace, such fees as are now or may be hereafter allowed by law; *provided*, that no justice of the peace shall receive more than one thousand five hundred dollars per annum, which may be paid in monthly installments of not exceeding one hundred and twenty-five dollars per month, for all services rendered by him in criminal cases, or in actions or proceedings to which the people of the State of California

are or may be parties; and no claim of any such justice of the peace in excess of said sum of one thousand five hundred dollars per annum, or the installments thereof as aforesaid, shall be allowed or paid; but all fines and fees collected by every such justice on the account aforesaid shall belong to and be the property of the county in which such justice exercises his jurisdiction. And each of such justices shall report, under oath, on the first Monday of each month, to the board of supervisors of such county, the amount of all fines and fees collected by him, on the account aforesaid, during the preceding month, and shall, on said date, deposit with the county treasurer, to the credit of the county, all such fines and fees as may be shown by said report to have been collected by him. He shall also transmit the treasurer's receipt for said payment, to said board, with the said report; *provided further*, that the boards of supervisors of such counties in townships having a population of more than one hundred thousand, shall provide each such justice with an office and the necessary furniture and supplies for the justice's court and may in their discretion provide each such justice with the necessary law books; *and provided further*, that the boards of supervisors in such counties shall, in townships having a population of more than one hundred thousand, appoint a clerk for each justice therein which clerks shall each hold office for the term of two years from and after appointment, and shall receive a salary of one hundred dollars each per month, payable in like manner, at like times and out of the same fund as county officers are paid by the county; said clerks shall each take and file an oath of office in like manner as county officers, and after being appointed and qualifying as hereinbefore prescribed, shall have power to administer and certify oaths to affidavits, and all papers, documents, or instruments used in or in connection with the actions and proceedings of such justices' court. Such clerks shall perform such other clerical services as may be required of them by the justice or justices. *And provided further*, that in townships having a population of more than one hundred thousand and less than three hundred thousand each justice of the peace shall receive a salary of three thousand dollars per year, payable in like manner and out of the same fund and at like times as county officers are paid, and such salary shall be in lieu of all fees due or to become due such justice for performance of any official act. And all fees together with all fines and penalties paid to such justice or into such court shall be and become the property of the county in which such justice exercises his jurisdiction.

Justices of
the peace.

16. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that no constable shall receive more than one thousand two hundred dollars per annum, which may be paid in monthly installments of not exceeding one hundred dollars per month for all services rendered by him in all criminal cases or in actions or proceedings to which the people of the State of California are, or may be, made parties; and all fees collected by such constable on account of services ren-

Consta-
bles.

Constables.

dered in criminal cases or proceedings, to which the people of the State of California are parties, shall belong to and be the property of the county in which said constable has been elected or appointed; *provided further*, that constables shall be allowed all necessary expenses actually incurred in serving any criminal process or in pursuing, taking, or arresting persons charged with crime or transporting such persons to or from the court or county jail; *and provided further*, that in counties of this class and in townships having more than one hundred thousand inhabitants, and less than three hundred thousand, there shall be, and there is hereby allowed to each of the four constables of each township one deputy who shall be appointed by the constable, and shall receive a salary of one hundred dollars per month, payable in like manner and at like times, and out of the same fund as the county officers are paid; said deputies shall each take and file an oath of office in like manner as county officers. Each constable shall report under oath on the first Monday of each month to the board of supervisors of such county the amount of all fees collected by him for all services rendered in all criminal cases, or in actions or proceedings to which the people of the State of California are, or may be, made parties, during the preceding month, and shall, on said date, deposit with the county treasurer to the credit of the county all such fees as may be shown by said report to have been collected by him on account of the aforesaid. He shall also transmit the treasurer's receipt for said payment to said board with said report.

Game warden.

17. The fish and game warden, one hundred and twenty-five dollars per month. In addition thereto said fish and game warden shall be allowed a sum not to exceed fifty dollars per month for expenses incurred by him in the performance of his duties. Said salary and expenses incurred must be paid monthly from the county treasury.

SEC. 2. This act shall take effect immediately.

CHAPTER 375.

An act to amend section 758 of the Political Code relating to the employment and compensation of the officers of the district courts of appeal.

[Approved March 22, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 758 of the Political Code is hereby amended to read as follows:

Appointees, district courts of appeal.

758. Each of the three district courts of appeal may employ and appoint the following officers of their respective courts, whose salaries shall be as follows: One clerk at twenty-four

hundred dollars per annum; one deputy clerk at eighteen hundred dollars per annum; one phonographic reporter as provided in section 759, and one bailiff at fifteen hundred dollars per annum.

CHAPTER 376.

An act to provide for the digging and construction of a tunnel connecting the hydrotherapeutic building with the engine room of the female department of the Stockton State Hospital for the purpose of conducting water pipes, heating pipes, electric wires, etc., and to make appropriations therefor.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of \$1400.00 or so much thereof as may be necessary is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to be paid to the board of managers of the Stockton State Hospital to be by them expended as follows: For the digging and construction of a tunnel connecting the hydrotherapeutic building with the engine room of the female department of the Stockton State Hospital, for the purpose of conducting water pipes, heating pipes, electric wires, etc. Appropriation for tunnel.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrants in favor of said board of managers for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER 377.

An act to provide for the erection of a water lower, tanks, pumps, boring of wells, and all necessary equipments of the same, at Stockton State Hospital, for domestic use and fire purposes, and to make appropriations therefor.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of \$25,000.00 or so much thereof as may be necessary is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be paid to the board of managers of the Stockton State Hospital, to be by them expended as follows: Appropriation for water equipment.

For the erection of a water tower, tanks, pumps, boring of wells and all necessary equipments of the same at the Stockton State Hospital.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrants in favor of said board of managers for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1909.

CHAPTER 378.

An act to amend sections one thousand nine hundred and twenty-five, one thousand nine hundred and twenty-six, one thousand nine hundred and twenty-seven, one thousand nine hundred and twenty-eight, one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-five, one thousand nine hundred and fifty-one, one thousand nine hundred and fifty-three, one thousand nine hundred and fifty-four, one thousand nine hundred and fifty-six, one thousand nine hundred and fifty-seven; one thousand nine hundred and fifty-eight, one thousand nine hundred and sixty-two, one thousand nine hundred and sixty-six, one thousand nine hundred and eighty-five, two thousand and twenty, two thousand and twenty-six, two thousand and seventy-six, two thousand and seventy-eight, two thousand and seventy-nine, two thousand and eighty-one, two thousand and eighty-six, two thousand one hundred and two, two thousand one hundred and eleven and two thousand one hundred and twelve, all of the Political Code of the State of California, relating to the national guard.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one thousand nine hundred and twenty-five of the Political Code is hereby amended to read as follows: 1925. *Composition and Strength.* The national guard of California shall consist of such number of companies of engineers, signalmen, companies of coast artillery, and infantry, and such number of troops of cavalry, and divisions of the naval militia and bands, as the governor may direct, the adjutant general's department, the inspector general's department, the judge advocate general's department, the quarter-

National
guard.

Composi-
tion and
strength.

master's department, the subsistence department, the pay department, the ordnance department, the medical department, the corps of engineers, the signal corps, the staff of the commander-in-chief, officers on the retired list and such officers and enlisted men as may be authorized by law. The total number of companies, troops, and divisions of the naval militia shall not exceed eighty-four; and provided that there shall not be more than twelve divisions of the naval militia, two companies of engineers, two companies of signalmen or four troops of cavalry, in addition to the companies of infantry and companies of coast artillery that may be authorized.

SEC. 2. Section one thousand nine hundred and twenty-six of the Political Code of California is hereby amended to read as follows:

1926. *Authority of the Commander-in-Chief.* The commander-in-chief shall have power to fix the geographical limits of each brigade, to assign troops thereto, to provide for the organization and location of companies to fill any vacancies that may occur; to transfer, attach, consolidate, or disband companies, and divisions of the naval militia, to organize, reorganize and consolidate battalions, squadrons, regiments and brigades, provided that the units comprising such battalions, squadrons, regiments and brigades shall correspond to like organizations of the United States army. He shall have power to designate the number of noncommissioned officers and privates that shall constitute the companies of the various arms of the service, conforming as nearly as possible to the organization of like companies of the regular army; provided, that he shall not organize a company consisting of less than fifty-eight enlisted men. When changes in the organization of companies, or in other organizations, departments, or corps, or in the number of officers or enlisted men shall be made in the regular army, the commander-in-chief will cause like changes to be made in the organization of the national guard. The authority above given also applies to the hospital corps, bands, and all other enlisted men of the national guard.

Authority
of com-
mander-
in-chief.

SEC. 3. Section one thousand nine hundred and twenty-seven of the Political Code of California is hereby amended to read as follows:

1927. *Departments.* There shall be organized and maintained the following departments of the national guard: The adjutant general's department, the inspector general's department, the judge advocate general's department, the quartermaster's department, the subsistence department, the pay department, the ordnance department, the medical department, the corps of engineers and the signal corps. Each of said departments and corps shall consist of staff officers and non-commissioned staff officers of grades authorized in the similar staff corps and departments of the regular army necessary to perform the duties pertaining to the respective corps and departments on the staff of brigades and at camps, depots and other military establishments. Officers of the ordnance depart-

Depart-
ments.

ment may be detailed as inspectors of small arms practice of brigades, regiments and separate squadrons and battalions. The adjutant general shall be the chief of the quartermaster's department, of the subsistence department, and of the ordnance department. The chief of each of the other departments or corps shall have the rank of colonel; *provided*, that the chief of the adjutant general's department shall be a brigadier general.

SEC. 4. Section one thousand nine hundred and twenty-eight of the Political Code of California is hereby amended to read as follows:

Adjutant
General's
depart-
ment.

1928. *The Adjutant General's Department.* The adjutant general's department shall consist of one brigadier general, one colonel, to be known as the assistant adjutant general, and such officers of the rank of major, and not exceeding three in number, as may be necessary for the proper administration of the department. The brigadier general shall be chief of the department and shall be designated by the title of the adjutant general.

Qualifica-
tions for
appoint-
ment.

The brigadier general of the adjutant general's department shall be appointed by the governor and hold office at his pleasure, or until his successor is appointed and qualifies. *Provided* that no person shall be appointed to the grade of brigadier general in the adjutant general's department who has not served three years as a commissioned officer in the national guard of California, or in the regular or volunteer armies of the United States, or in the three services combined, and who has not attained to the grade of major in the national guard of California, or captain in the regular or volunteer army of the United States.

The officer with the rank of colonel in the adjutant general's department shall be on duty in the adjutant general's office and his qualifications for appointment shall be the same as required for appointment to the grade of brigadier general in said department. All officers in the adjutant general's department shall be appointed by the governor and shall hold office at his pleasure or until their successors are appointed and have qualified, taking into consideration the recommendation of the adjutant general; *provided*, that the officers of the adjutant general's department that are to be assigned to divisions or brigades shall be appointed as provided for other such staff officers in section one thousand nine hundred and fifty-seven of this code. All officers appointed to the grade of major in the adjutant general's department shall have served not less than two years as commissioned officers in the national guard of California. All officers of the adjutant general's department other than the brigadier general shall be designated by the title of adjutant general.

Clerical
force.

There shall be on duty in the adjutant general's office the following clerical force: One chief clerk, three clerks, one stenographer and clerk, one military storekeeper, one assistant military storekeeper and porter, each of whom shall be

appointed by the adjutant general and shall hold office at his pleasure.

SEC. 5. Section one thousand nine hundred and twenty-nine of the Political Code of California is hereby amended to read as follows:

1929. Medical Department. The medical department shall consist of the medical corps and the hospital corps. The medical corps shall consist of a surgeon general with the rank of colonel, who shall be chief of the department, the officers necessary to perform the duties pertaining to the medical department on the staffs of brigades and regiments and at camps, depots and other similar military establishments, of the surgeons and assistant surgeons attached to the regiments, separate squadrons and battalions, troops and companies for the purpose of furnishing medical attendance; and of the medical officers requisite for the organization of such ambulance companies and field hospitals as may be authorized. Assistant surgeons with the rank of first lieutenant shall be promoted to captain after three years' service. When deemed necessary or expedient by the commander-in-chief a female nurse corps may be provided. The hospital corps shall consist of the sergeants, first-class, sergeants, corporals, privates, first-class, and privates of the corps assigned to duty to the different regiments, squadrons, battalions, troops and companies and at camps, depots and other similar establishments, or belonging to such ambulance companies and field hospitals as may be organized, and which shall be organized as are such ambulance companies and field hospitals in the United States army.

Medical
depart-
ment.

SEC. 6. Section one thousand nine hundred and thirty of the Political Code of California is hereby amended to read as follows:

1930. Corps of Engineers. The corps of engineers shall consist of a chief of engineers with the rank of colonel, the officers necessary for detail as engineer officers on the several staffs; of officers assigned to duty with engineer troops; of officers performing other duties pertaining to the corps of engineers, and of such engineer troops as may be deemed advisable not to exceed two companies. A company of engineers shall consist of one captain, one first lieutenant, one second lieutenant and the necessary sergeants, corporals, privates, first-class, and privates.

Corps of
engineers.

SEC. 7. Section one thousand nine hundred and thirty-one of the Political Code of California is hereby amended to read as follows:

1931. Signal Corps. The signal corps shall be a staff corps, and shall consist of a chief signal officer with the rank of colonel, the commissioned officers necessary for the performance of the duties of signal officers on the different staffs and other duties properly pertaining to the signal corps; of the officers assigned to duty with companies of the signal corps; and of such enlisted men of the grades named hereinafter as are or may be provided for in the signal corps of the United States army, as may be deemed necessary, viz., master signal elec-

signal
corps.

tricians, sergeants, first-class, sergeants, corporals, cooks, privates, first-class, and privates. A company of the signal corps shall consist of one captain and two first lieutenants and the necessary sergeants, first-class, sergeants, corporals, privates, first-class, and privates: *provided*, that not to exceed two companies of signal corps shall be organized.

SEC. 8. Section one thousand nine hundred and thirty-two of the Political Code of California is hereby amended to read as follows:

Coast
artillery.

1932. *Coast Artillery.* The coast artillery shall be organized as a corps, and shall consist of such number of companies as may be authorized, a chief of artillery with the rank of colonel, one lieutenant colonel and such number of majors, captains, first lieutenants, second lieutenants and such noncommissioned officers and privates as are provided in similar corps of the regular army as may be authorized. There shall be for each company of coast artillery one captain, one first lieutenant, one second lieutenant, and such number of noncommissioned officers and privates of coast artillery as obtain in the coast artillery corps of the regular army. For each company of coast artillery there shall be one electrician sergeant (first or second class), one engineer and one fireman; and for each four companies of coast artillery there shall be one master gunner.

SEC. 9. Section one thousand nine hundred and thirty-three of the Political Code of California is hereby amended to read as follows:

Cavalry.

1933. *Cavalry.* If four troops of cavalry are authorized and mustered into service of the state they may be organized into a squadron with the following designated officers and noncommissioned officers: One major, one extra first lieutenant to be available for duty as squadron adjutant, one quartermaster and commissary with the rank of second lieutenant, one squadron sergeant major, and such noncommissioned officers and privates as obtain in cavalry organizations of the regular army. There shall be to each troop of cavalry the following officers: One captain, one first lieutenant, one second lieutenant.

SEC. 10. Section one thousand nine hundred and thirty-four of the Political Code of California is hereby amended to read as follows:

Infantry.

1934. *Infantry.* The minimum strength of the different grades for a company of infantry shall be as follows: One captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, and the necessary sergeants, corporals, cooks, musicians, and privates. A battalion of infantry shall consist of one major, one adjutant with the rank of first lieutenant, one quartermaster and commissary with the rank of second lieutenant, one sergeant major, and four companies. A regiment of infantry shall consist of one colonel, one lieutenant colonel, one adjutant with the rank of captain, one quartermaster with the rank of captain, one commissary with the rank of captain, one chaplain with the rank of captain, one

sergeant major, one quartermaster sergeant, one commissary sergeant, two color sergeants, a band of at least twenty-eight enlisted men, and three battalions. A regiment of infantry shall have one regimental surgeon with the rank of major and two assistant surgeons each with the rank of captain or first lieutenant, or one surgeon and three assistant surgeons detailed from the medical department. The infantry shall be organized as far as possible into regiments of three battalions of four companies each. After as many regiments as possible have been formed, the remaining companies shall be organized, as far as possible, into separate battalions of four companies each. After as many regiments and separate battalions as possible have been formed, the companies still remaining shall be maintained as separate companies. The separate battalions and separate companies shall be organized as prescribed in this chapter for a battalion and company respectively.

Sec. 11. Section one thousand nine hundred and thirty-five of the Political Code of California is hereby amended to read as follows:

1935. Divisions and Brigades. 1. *Divisions.* In the event of a call by the president of the United States for troops from the State of California sufficient in number to constitute a division such troops may be organized into a division which shall be commanded by a major general or by the senior officer of the line present for duty with the division. When a division is organized the staff thereof shall consist of the following officers: Divisions.

One adjutant general, with rank of lieutenant colonel, adjutant general's department; one inspector general, with rank of lieutenant colonel, inspector general's department; one judge advocate, with rank of lieutenant colonel, judge advocate general's department; one chief quartermaster, with rank of lieutenant colonel, quartermaster's department; one chief commissary, with rank of lieutenant colonel, subsistence department; one chief surgeon, with the rank of lieutenant colonel, medical department; one chief engineer, with the rank of lieutenant colonel, corps of engineers; one chief ordnance officer, with rank of lieutenant colonel, ordnance department; one chief signal officer, with rank of lieutenant colonel, signal corps; three aids, captains or lieutenants, from the line. Such officers, with the exception of the three aids, shall be detailed from the several staff departments as indicated and while serving with the division shall have the rank herein designated; *provided*, that a major general shall have served four years in the national guard of this state, or in the military service of the United States, or in both services combined, two years of which shall have been in a grade above that of captain; *and provided*, that when such troops return to the jurisdiction of the authorities of the state the division organization shall at once be discontinued, and if there be a major general he shall at once be placed upon the retired list with such rank, and the officers constituting the division staff, excepting the Division staff.

three aids-de-camp, shall be extra officers of their several departments, or shall be placed upon the retired list, as they shall elect.

In addition to the staff officers enumerated in the foregoing list, such other officers as are considered necessary may be designated for duty on the staff of a division, but officers so designated must belong to some staff corps or department, or to the line, and be detailed for duty on the division staff.

Brigades.

2. *Brigades.* A brigade shall consist of two or more regiments of infantry, but separate battalions and separate companies may be assigned thereto. A brigade shall be commanded by a brigadier general, but in case of the absence or disability of the brigadier general the command shall devolve upon the senior officer of the line who is present for duty with the brigade. The staff of a brigade shall consist of officers detailed from the several staff corps or departments, as follows: one adjutant general with the rank of major, adjutant general's department; one quartermaster with the rank of major, quartermaster's department; one commissary with the rank of major, subsistence department; one surgeon with the rank of major, medical department; two aids, each with the rank of lieutenant, from the line. In addition to the staff officers enumerated in the foregoing list, such other staff officers as are considered necessary may be designated for duty on the staff of a brigade, but officers so designated must belong to some staff corps or department, or to the line, and be detailed for duty on the brigade staff.

Brigade staff.

Sec. 12. Section one thousand nine hundred and fifty-one of the Political Code of California is hereby amended to read as follows:

Commission-eligibility.

1951. *Commissions.* All officers shall be commissioned by the commander-in-chief, but he may refuse to issue a commission to any person elected or appointed if the person elected or appointed be in any way unqualified or unworthy to be an officer in the national guard; but no one shall be commissioned unless the conditions set forth in sections one thousand nine hundred and fifty-three and one thousand nine hundred and fifty-four of this chapter have been complied with, and no one shall be recognized as an officer unless he shall have been duly commissioned and shall have taken the oath of office and qualified; *provided*, that officers in the national guard when this act takes effect who shall be recommissioned under the provisions of section thirty-one of this act shall be exempt from the examinations prescribed by section one thousand nine hundred and fifty-four of this chapter.

Sec. 13. Section one thousand nine hundred and fifty-three of the Political Code of California is hereby amended to read as follows:

Commission-eligibility for.

1953. *Eligibility Required to Receive a Commission.* Commissioned officers must be citizens of the United States, of the age of eighteen years and upwards. No person who has been in the military or naval service of the United States, of this state,

or of any other state in the United States, and who had not been honorably discharged therefrom, shall be commissioned in the national guard of California. No person shall be commissioned unless he shall possess the additional requirements herein prescribed for the particular office to which he is to be commissioned. A brigadier general of the line at the time of his appointment shall have served at least four years as an officer in the national guard of California, or in the United States military service, or both. All surgeons and assistant surgeons of the national guard shall be regularly graduated, licensed, and practicing physicians or surgeons, licensed to practice their profession in California, or a surgeon of the United States army or navy. All judge advocates of the national guard shall be members of the bar of the supreme court of the State of California. All engineer officers, except engineer officers of the naval militia, shall be not less than twenty-five years of age, and shall have been in active practice of their profession for five years and shall have had responsible charge of work for at least three years, and shall be qualified to design, as well as to direct, engineering works. Graduation from a school of engineering of recognized reputation shall be considered as equivalent to two years of active practice. The performance of the duties of a professor of engineering in a technical school of high grade shall be taken as equivalent to an equal number of years of active practice. All chaplains shall be regularly ordained ministers.

SEC. 14. Section one thousand nine hundred and fifty-four of the Political Code of California is hereby amended to read as follows:

1954. *Examination.* Before receiving a commission consequent upon an appointment or election, or before being commissioned to a higher grade as a result of promotion, every officer of the national guard must have passed a satisfactory physical examination before any surgeon of the national guard, and a satisfactory examination before a board of commissioned officers as to his knowledge of military affairs and general knowledge and fitness for the service, and any one failing to pass such examination shall not be eligible for an office in the national guard or for promotion for a period of one year after date of such failure: *provided*, that officers of the national guard who shall be commissioned in pursuance of section thirty-one of this act shall be exempt from such examinations. *Provided also*, that general officers, officers on the staff of the commander-in-chief, chiefs of departments and corps are exempt from examination: *provided further*, that the captain of the naval militia, colonels commanding regiments, engineer officers, judge advocates, chaplains, and medical officers shall be exempt from mental examination.

SEC. 15. Section one thousand nine hundred and fifty-six of the Political Code of California is hereby amended to read as follows:

Examination before receiving commission.

Elective
officers.

1956. *Elective Officers.* Field officers of a regiment or of a separate battalion or squadron shall be elected by the field officers thereof and the officers of the companies comprising such regiment, battalion, or squadron. All company and troop officers shall be elected by the members of such organizations. All elective officers of the national guard of California shall hold office until their resignations shall have been accepted by the proper authority, or until they shall have been discharged or retired, as in this chapter provided, or until they shall have been dismissed from the service by sentence of a general court-martial.

SEC. 16. Section one thousand nine hundred and fifty-seven of the Political Code of California is hereby amended to read as follows:

Appoint-
ive officers.

1957. *Appointive Officers.* General officers of the line of the national guard shall be appointed by the commander-in-chief, by and with the advice and consent of the senate. During the time the senate is not in session, the commander-in-chief shall make such appointments subsequent to confirmation by the senate. All such officers shall hold office during the pleasure of the commander-in-chief or until their successors are appointed and qualified. The chief of staff departments and staff corps and the extra officers appointed therein, and the personal aids-de-camp of the commander-in-chief shall be appointed by the commander-in-chief and shall hold office during his pleasure or until their successors are appointed and qualified. The officers on the staff of a brigade, the officers allowed to regiments, battalions, and squadrons for staff duty, surgeons of brigades and surgeons and assistant surgeons of regiments and of battalions and squadrons not part of regiments, assistant surgeons of separate troops or companies, and chaplains, shall be appointed by the commander-in-chief upon the recommendation of their immediate commanding officer, and shall hold office during the pleasure of their immediate commanding officer, or until their successors are appointed and qualified.

SEC. 17. Section one thousand nine hundred and fifty-eight of the Political Code of California is hereby amended to read as follows:

Election
of officers.

1958. *Election of Officers.* Upon a vacancy occurring among the elective officers of any organization attached to a brigade, the brigade commander must order an election therefor, designate an officer to preside thereat, the time and place of holding the election, and the office to be filled, such order to be promulgated at least ten days prior to the date set for the election. The presiding officer must make return in duplicate of the election held, to the commanding general of the brigade, who shall forward one copy of said election return to the proper examining board and shall retain the other copy at his headquarters. Upon receiving notice from the examining board that the officer or officers-elect have passed a successful examination which notice shall be endorsed upon the return

of election sent to said board, he shall forward the same through regular military channels for approval of the adjutant general, who, upon finding the same in accordance with the provisions of law, orders, and regulations, must notify the commander-in-chief thereof for his consideration, who, if he approves, shall issue the commission. In all elections for commissioned officers a majority of the votes of those present (a majority of those entitled to vote being present) shall be necessary to a choice. Should there be no choice, or no quorum present, the presiding officer shall adjourn the meeting to a time not to exceed fifteen days, and at that meeting conduct another election; and, if such second meeting result in no choice, the commander-in-chief shall be notified and may then fill the vacancy by appointment. If the officer elected and duly notified, does not appear before said examining board when summoned by it, he shall be deemed to have declined his commission, and there shall be another election ordered. The filing of a proper certificate of said board with the officer ordering the election, that the officer elected or appointed has failed to pass an examination, or declined to appear before the board when notified, shall be deemed sufficient for ordering a new election. When vacancies occur at an election through the promotion of any officer, such vacancies may then and there be filled by election without further notice. The commander-in-chief will issue like orders to fill like vacancies in unattached organizations. The officer designated to preside thereat must make duplicate returns to the adjutant general and the commander-in-chief must designate the board to examine the officer or officers elected.

Vacancies.

SEC. 18. Section one thousand nine hundred and sixty-two of the Political Code of California is hereby amended to read as follows:

1962. *Effect of Line Officers Accepting Commissions on Staff.* Any officer of a regiment, battalion, squadron, company or troop who accepts a commission in any staff corps or department shall be deemed to have resigned the commission held by him at the time of the acceptance of such appointment to such staff corps or department.

Line officers commissioned as staff officers.

SEC. 19. Section one thousand nine hundred and sixty-six of the Political Code of California is hereby amended to read as follows:

1966. *Lost or Destroyed Commissions.* In the event of a commission being lost or destroyed, on satisfactory proof being made of the same, the commander-in-chief shall issue a duplicate commission with rank and date given in former commission.

Lost commissions.

SEC. 20. Section one thousand nine hundred and eighty-five of the Political Code of California is hereby amended to read as follows:

1985. *Discharges; When and by Whom Granted.* An honorable discharge shall be issued under the following circumstances, viz., to a man who has faithfully performed his duties

Discharges, when and by whom granted.

Dis-
charges,
when and
by whom
granted.

during his term of service as required by the conditions of his enlistment or reenlistment, or during his total service, and who has been lawfully relieved of all responsibility for public property issued to him, and from all accountability to his organization. Unless unavoidable circumstances intervene such discharge will be furnished the enlisted man at once upon the expiration of his term of service, which term will date from the taking of the oath of enlistment or reenlistment. Proper steps will be taken in due time for the settlement of the enlisted man's accounts and responsibility for property, and forwarding the necessary papers so as not to withhold the discharge after it is due.

Any enlisted man may be honorably discharged before the expiration of his term of service by order of the commanding officer of a regiment, of the naval militia, or unattached battalion or squadron, or, if a member of an unattached company or troop, by the brigade commander or the commander-in-chief, upon the recommendation of his commanding officer, for any of the following reasons:

To accept promotion by commission;

Upon removal of residence from the state, or out of the bounds of the command to which he belongs to so great a distance that in the opinion of the commanding officer, he can not properly perform his military duty;

Upon disability established by the certificate of a medical officer;

To a man rendered supernumerary by the reduction of the organization of which he is a member; or who is a member of an organization which may be disbanded.

A dishonorable discharge shall be issued:

To a man sentenced by a general court-martial to be discharged;

To a man convicted of a felony in a civil court;

To a man for neglecting or refusing to pay any fine imposed by a military court within thirty days after it was imposed.

A discharge without honor may be issued:

By sentence of a general or summary court-martial;

Whenever the commanding officer of a company shall approve the application of two thirds of the members of the company requesting the discharge of an enlisted man thereof; *provided*, that at a regular meeting of the company, or at a meeting called for that purpose, two thirds of the members of the company desire by vote the discharge of one of their members;

To a man whose immediate commanding officer applies for his discharge. The application for the last named discharge shall be directed to the officer authorized to issue it, and shall briefly state the grounds on which the discharge is applied for. The man whose discharge is applied for shall be entitled to be heard in person to explain the statements contained in the application and shall have ten days' notice of such hearing, a copy of the application and of the notice of time and place of

hearing shall be served on the man in the same manner as warnings for duty are given. If the officer authorized to issue the discharge approves of the application of the immediate commanding officer after the conclusion of the hearing above provided for, he will forward all the papers in the case to the next higher authority, who, if he approve, will direct the proper officer to issue the discharge, and if he disapprove will direct that the man be not discharged;

The officers authorized to issue discharges may also upon application of company commanders, discharge without honor, if convinced after proper investigation that such discharge should be issued, any enlisted man who habitually absents himself from the drills and instructions of his organization, or has shown a lack of interest in his military work sufficient to warrant the same;

Or any enlisted man may be discharged for the good of the service by the commanding officer of the regiment or unattached battalion or squadron, or if a member of an unattached company or troop, by the brigade commander, or in other instances by the commander-in-chief, upon the recommendation of a company or troop commander and after a careful investigation by the officer issuing the discharge.

The officers authorized to issue the discharges hereinbefore specified are: The commanding officer of a regiment, or of a battalion or squadron not part of a regiment; the commanding officer of a brigade for any organization attached to the brigade and not above specified; the commanding officer of the naval militia, and the commander-in-chief.

SEC. 21. Section two thousand and twenty of the Political Code of California is hereby amended to read as follows:

2020. *Powers of Courts-Martial.* General courts-martial shall have power, upon conviction, to punish by dishonorable discharge or dismissal, or by depriving officers of their rank. Summary courts-martial shall have power to reduce noncommissioned officers to the ranks, to discharge without honor and to impose fines and lesser penalties upon enlisted men upon conviction. Courts-martial shall have power to impose such other and usual military fines and penalties as are customary in the United States army and the United States navy, in addition to penalties herein prescribed.

Courts-martial, powers of.

SEC. 22. Section two thousand and twenty-six of the Political Code of California is hereby amended to read as follows:

2026. *Fines; How Collected.* For the purpose of collecting fines or penalties imposed by a court-martial, the president of any such court must make a list of all such fines and penalties, and of the persons against whom they have been imposed, and must, within fifteen days after the fines and penalties have been imposed, issue a warrant under his hand, directed to any sheriff or constable of the county, commanding him to levy and collect such fines, together with the costs, upon and out of the property of the person against whom the fine or penalty was imposed; and such warrant shall be

Fines, how collected.

executed and renewed in the same manner as executions from the justices' courts are executed and renewed. All fines collected shall be paid by the officer collecting the same to the commanding officer of the organization of which the person fined was or is a member, and accounted for by said commanding officer in the same manner as are other state funds.

SEC. 23. Section two thousand and seventy-six of the Political Code of California is hereby amended to read as follows:

Pay of
officers
and men
while on
active
duty.

2076. Pay of Officers While on Active Duty. Officers while on active duty in the service of the state shall receive the same pay and allowances as officers of similar grade in the United States army and United States navy. Enlisted men while on active duty in the service of the state shall receive two dollars per day; *provided*, that no pay shall be allowed to any officer or enlisted man when on duty in any state camp mentioned in section two thousand and five of the Political Code of California; and in any camp held in pursuance of orders from the commander-in-chief each mounted officer and enlisted man shall receive two dollars per day for the horse necessarily used by him at such camp; *provided further*, that all enlisted men in attendance at joint maneuver camps of national guard and United States army shall receive one dollar per day in excess of the government pay per day at such camp; and *provided further*, that officers of the national guard on duty in the adjutant general's department when called into active service by competent authority shall receive the same pay and allowance as officers of similar grade of the United States army.

SEC. 24. Section two thousand and seventy-eight of the Political Code of California is hereby amended to read as follows:

Allowance
for officers.

2078. Allowance for Officers. All officers shall receive annually the sum of twenty-five dollars to assist in uniforming and equipping themselves, *provided* they have attended eighty per centum of all assemblages for the preceding year, *provided*, that personal aids-de-camp of the commander-in-chief shall not receive such allowance.

SEC. 25. Section two thousand and seventy-nine of the Political Code of California is hereby amended to read as follows:

Military
fund,
allow-
ances for.

2079. Allowances for Military Organizations. Military Fund. There must be audited and allowed by the adjutant general and paid out of the appropriation for military purposes, upon the warrant of the state controller, to the commanding officer of each infantry, artillery or engineering company of the national guard, and each division of the naval militia, except the engineer division of the naval militia, the sum of one hundred dollars per month; to the commanding officer of each company of signalmen of the national guard the sum of one hundred and fifty dollars per month; to the commanding officer of each troop of cavalry and of the engineer division

of the naval militia the sum of two hundred dollars per month; the sums so paid to be used for armory rent, care of arms, and proper incidental expenses of the company, troop or division. There must be allowed, audited and paid out of the same appropriation, to the commanding officer of each brigade the sum of two hundred dollars per month; to the commanding officer of each regiment, and of the naval militia, and to the chief of artillery the sum of one hundred and fifty dollars per month; to the commanding officer of each unattached battalion or squadron the sum of fifty dollars per month; the sums so paid to be used for rent of headquarters, clerical expenses, stationery, printing, postage and proper incidental expenses of the commanding officer of the organization for which said sums are audited, allowed and paid. If any regiment, the naval militia, or unattached battalion or artillery corps has attached to it a uniformed and organized band of not less than twenty-eight people, to the commanding officer of such regiment, naval militia, battalion or corps, the additional sum of one hundred dollars per month for such band; to the surgeon general the sum of twenty-five dollars per month for rent and proper incidental expenses; and to the adjutant general the sum of ten thousand dollars per annum, to be expended by him in promoting target practice. There must be audited and allowed by the adjutant general, and paid out of the appropriation for military purposes, to the surgeon in charge of each detachment of the medical department on duty with a regiment, and to the chief surgeon of the naval militia, the sum of fifty dollars per month for rent and proper incidental expenses of such detachment. No claims shall be allowed under the provisions of this section except upon demands made quarterly in duplicate, signed and sworn to by the officer claiming the same, before any officer of the national guard, or notary public, and forwarded through the headquarters of the regiment, unattached battalion, squadron, or company, or naval militia, with the approval of each commanding officer through whose headquarters they are required to pass, direct to the adjutant general; *provided*, that the adjutant general may make expenditures at any time for the promotion of target practice out of the appropriation for that purpose herein provided for.

Military
fund,
allowances
for.

There must be audited and allowed by the adjutant general and paid out of the appropriation for military purposes upon the warrant of the state controller to the commanding officer of each infantry, artillery, engineer and signal company, troop of cavalry, and detachment of the hospital corps of the national guard and division of the naval militia, fifty cents an assemblage for each officer, and twenty-five cents an assemblage for each enlisted man for each regular stated assemblage, drill, or parade ordered by competent authority; *provided* that not to exceed three such assemblages or parades shall be a charge in any one month. No claims shall be allowed for the pay of such officers and enlisted men for such assemblages except upon demands made quarterly, in duplicate, signed and sworn

Per capita
allow-
ances.

to by the commanding officer of each company, troop, division of the naval militia, or hospital corps, the same as are other claims against the military fund; *provided* that no officer or enlisted man shall receive such allowance or pay for said assemblages unless he has attended at least eighty per centum of all assemblages for the quarter for which such allowance is claimed.

SEC. 26. Section two thousand and eighty-one of the Political Code of California is hereby amended to read as follows:

Bonds of
officers.

2081. Bonds of Officers. *Captain ex officio Company Treasurer.* All officers of the national guard must give such bonds and security as may be required by the adjutant general to secure the state from loss on account of the misuse or misapplication of any state or company property or funds. Said bonds must be conditioned upon the faithful performance of all duties, and accounting for all property and moneys, including company funds, of which the commanding officer, who is ex officio treasurer, shall be custodian. Where a bonding company is required or given as surety, the cost of bond may be paid from the state allowance to commanding officers; *provided*, that the premium on the bond required to be furnished by any officer of the national guard of California detailed or appointed to disburse United States funds may be paid to such officer upon proper claim from such military fund as the adjutant general may direct. The amounts of such bonds shall be as follows: The adjutant general in the sum of ten thousand dollars, brigade quartermaster in the sum of two thousand dollars, regimental quartermaster in the sum of two thousand dollars, battalion quartermaster in the sum of one thousand dollars, the chief of artillery, commanding officers of regiments, naval militia, unattached battalions and squadrons, in the sum of one thousand dollars, commanding officers of companies, troops, and divisions of the naval militia, in the sum of two thousand dollars; all other officers in the sum of five hundred dollars. Any officer who is accountable for any state, or company funds or property who fails or neglects to deliver over such funds or property to the person designated by proper authority to relieve such officer, shall be held responsible and shall be charged with all shortages both of funds and property not covered by the receipt obtained by such officer from the person to whom he shall have delivered over such property. Quartermasters shall be held accountable and responsible for all property issued to the headquarters to which they are attached, or with which they are on duty.

All moneys, including company funds, of which the commanding officer is the custodian, shall be deposited in a United States national bank or a responsible bank duly incorporated under and by virtue of the laws of the State of California.

SEC. 27. Section two thousand and eighty-six of the Political Code of California is hereby amended to read as follows:

Salaries,
adjutant
general's
office.

2086. Salaries, Adjutant General's Office. There shall be allowed and paid out of the general fund in the state treasury to officers, clerks, and other employees of the adjutant gen-

eral's department, the following salaries payable monthly: To the brigadier general of the adjutant general's department (the adjutant general) three thousand six hundred dollars per annum; to the colonel of the adjutant general's department, three thousand dollars per annum; to the chief clerk, nineteen hundred dollars per annum; three clerks, seventeen hundred dollars per annum each; one stenographer and clerk, fifteen hundred dollars per annum; one military storekeeper, twelve hundred dollars per annum; one assistant military storekeeper and porter, nine hundred dollars per annum.

SEC. 28. Section two thousand one hundred and two of the Political Code of California is hereby amended to read as follows:

2102. *Honorary Members.* Each company, troop, or division of the naval militia, may have not to exceed twenty honorary members, who shall pay fifty dollars per annum into the civil fund of the company, troop, or division, and shall thereupon be entitled to all exemptions to which those on the active list are entitled, and shall not be required to drill or perform any military duty by reason of such membership.

Honorary
members.

SEC. 29. Section two thousand one hundred and eleven of the Political Code of California is hereby amended to read as follows:

2111. *Divisions of the Naval Militia.* The organized naval militia of California, if authorized, shall consist of not more than twelve divisions, including one engineer division. The naval militia shall be located throughout the coast of the state at the discretion of the commander-in-chief. The word "division" as used in this chapter in connection with the naval militia shall have the same meaning and effect as "company" when used in connection with infantry.

Naval
militia,
divisions
of.

SEC. 30. Section two thousand one hundred and twelve of the Political Code of California, is hereby amended to read as follows:

2112. (1) *Organization of the Naval Militia.* The numerical strength, rank, titles, and insignia of rank of the divisions of the naval militia shall conform to the laws, rules and regulations of the United States navy, so far as the same may be effectively applicable. The naval militia shall be commanded by a captain. There shall also be the following additional commissioned officers, viz., one commander and one lieutenant commander, who, in order of rank, in the absence or disability of the superior, shall perform his duties and shall at all times assist the commanding officer in the performance of his duties; one chief engineer, with the rank of lieutenant commander; one lieutenant and navigating officer, one lieutenant and ordnance officer, one lieutenant and aid to the commanding officer of the naval militia who shall be subject to such detail as the commanding officer may designate; one lieutenant (junior grade) and assistant navigating officer, one lieutenant (junior grade) and assistant ordnance officer, one lieutenant (junior grade) and equipment officer, one ensign and assistant equipment officer, one ensign and signal officer. When more

Organiza-
tion.

than one vessel is loaned by the United States government to the State of California for the use of the naval militia there may be for each such additional vessel one lieutenant (junior grade) and passed assistant engineer, who shall be appointed by the commander-in-chief upon the recommendation of the commanding officer of the naval militia. All the above officers shall be line officers. The captain, commander, and lieutenant commander shall be elected and hold office as prescribed in this chapter for officers of similar grades of regiments. All other of the above-named officers shall be appointed by the commander-in-chief upon the recommendation of the commanding officer of the naval militia and shall hold office as prescribed in this title for officers of similar grades of regiments. The chief engineer shall be a resident of the county in which is located the engineer division of the naval militia. All elections for officers in the naval militia shall be ordered by the commander-in-chief.

Command
of
divisions.

(2) There may also be a chaplain, who shall be of the same grade and rank as in the United States navy and who shall be appointed by the commander-in-chief upon the recommendation of the commanding officer of the naval militia. Each division of the naval militia shall be commanded by a lieutenant, and shall include a lieutenant (junior grade), two ensigns, and not less than fifty-eight nor more than one hundred petty officers and seamen. The commissioned officers of each division shall be elected in the same manner and hold office as prescribed in this title for company officers of the national guard. Officers of the naval militia may be retired as provided in section one thousand nine hundred and sixty-three of this chapter. The lieutenant and lieutenant (junior grade) of the engineer division shall each hold the grade of passed assistant engineer, and the ensigns of the engineer division shall each hold the grade of assistant engineer. All engineer officers shall be recognized engineers or machinists of at least two years' standing. The pay department of the naval militia shall consist of one paymaster with the rank of lieutenant, one passed assistant paymaster with the rank of lieutenant (junior grade), and one assistant paymaster with the rank of ensign, who shall be staff officers appointed by the commander-in-chief upon the recommendation of the commanding officer of the naval militia, and hold office as prescribed for officers of similar grades of regiments. The medical department of the naval militia shall be allowed the following commissioned officers, viz., one chief surgeon, with the rank of lieutenant commander; one surgeon with the rank of lieutenant, and there may be to each division of the naval militia one assistant surgeon with the rank of lieutenant (junior grade). The appointment of the commissioned officers of the medical department of the naval militia shall be made by the commander-in-chief upon the recommendation of the commanding officer of the naval militia; *provided* that no person shall receive the appointment as an officer of the medical department of the naval militia unless he is a licensed graduate of a medical school. Except as otherwise

Pay de-
partment.

Medical
depart-
ment.

provided in this chapter, all officers in the naval militia, except commissioned officers of the medical department, prior to being commissioned consequent upon an election or appointment, shall be subject to examination as to qualification and general fitness for the service by a board of officers to be detailed by the commander-in-chief. The warrant officers, chief petty officers, and petty officers of the naval militia shall be the same as in the United States navy and of such numbers as the exigencies of the service may require. Warrants for warrant officers may be issued by the adjutant general upon recommendation of the commanding officer of the naval militia. Chief petty officers and petty officers shall be appointed by the commanding officer of the naval militia. The organization of the naval militia shall conform generally to the provisions of the laws of the United States; and the system of discipline and exercise shall conform, as nearly as may be, to that of the navy of the United States, as it is now, or may hereafter be, prescribed by congress, and that prescribed by the provisions of the Political Code relative to the National Guard of California; and the commander-in-chief shall have power to alter, divide, annex, consolidate or disband the naval militia, whenever in his judgment the efficiency of the state forces will thereby be increased, and he shall have power to make such rules and regulations as may be deemed proper for the use, government, and instruction of the naval militia, but such rules and regulations shall conform as nearly as practicable to those governing the United States navy. The commander-in-chief is authorized to apply to the president of the United States for the detail of commissioned and petty officers of the navy to act as inspectors and instructors in the art of naval warfare. Courts-martial for the naval militia, when necessary, shall be ordered by the commander-in-chief, and shall be organized and conducted under the laws, regulations, and usages of the United States navy, and the provisions and sections relating to military courts in this chapter. The proceedings shall be reviewed and sentence executed as provided in this chapter.

Qualifications of officers.

Warrant officers.

Organization to conform to United States laws.

Courts-martial.

Vessels loaned by the United States government to the State of California for the use of the naval militia, shall be commanded by the ranking line officer resident at the port to which such vessel is assigned. The commanding officer of the naval militia is authorized to enlist and organize a band of not less than twenty-eight enlisted men, and there shall be allowed, audited and paid to the commanding officer of the naval militia for the purchase and care of instruments, music and the proper incidental expenses of the said band, the sum of one hundred dollars per month to be audited, allowed and paid as similar allowances are audited, allowed and paid to similar organizations of the national guard.

Command of vessels.

SEC. 31. Immediately after this act takes effect the commander-in-chief shall issue to each officer of the national guard who is then in the service, except officers on the retired list, a commission for the same grade, or rank, which such officer then holds. The officers so commissioned in accordance with

Re-issue of commissions.

this section shall be exempt from the examinations provided by section one thousand nine hundred and fifty-four of the Political Code of California; provided that all officers rendered supernumerary, or whose grade is reduced by the provisions of this act, are hereby placed upon the retired list with the rank held by them on date this act takes effect.

Sec. 32. The provisions of this act shall be in force and effect from and after its passage and approval.

CHAPTER 379.

An act to provide a site for an armory for the national guard in the city and county of San Francisco and making available and re-appropriating certain moneys for the purchase of said site and the erection, equipment, completion and furnishing of said armory.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Site for
state
armory,
selection
of.

SECTION 1. The commission created by chapter XVI of the statutes of 1906 is hereby authorized and directed, immediately upon the passage of this act, to proceed to select, purchase or acquire a site in the city and county of San Francisco for the erection thereon of a building to be used as a state armory for the national guard of the State of California. Said building shall be modern in all respects and along such designs as will meet the needs of said national guard.

Power of
com-
mission.

SEC. 2. Said commission shall have the power to receive, in the name of the State of California, gifts or donations of any such site, together with any and all appurtenances connected therewith. The title of any and all of such property purchased, or otherwise acquired, shall be taken in the name of the State of California.

Payment
of pur-
chase price
of site.

SEC. 3. When said commission shall have selected and purchased said site they shall present their claim for the sum or amounts agreed to be paid therefor to the state board of examiners who shall audit the same, and upon the allowance of said claim the state controller shall draw his warrant for the amount thereof, payable out of the moneys herein made available, in favor of the owner or owners of the property selected and purchased. Said warrant, when so drawn, shall be delivered to said commission who shall use the same to pay the purchase price of said site, and the state treasurer shall pay the same. Said commission shall take a deed, as aforesaid, which deed shall be filed and recorded in the office of the recorder of the city and county of San Francisco and delivered to the secretary of state and filed in his office.

SEC. 4. Immediately upon said site becoming the property of the state, there shall be constructed thereon and equipped, in accordance with the building law of the state, an armory for the use of the national guard of such size and arrangement as in the judgment of said commission shall be deemed best. Upon the completion and equipment of said building and its acceptance, and after the furnishing of the same, said commission shall deliver the possession of said premises and building to the state armory board to be by them used exclusively for a state armory for the national guard.

Construction of armory.

SEC. 5. The expenses authorized by this act shall be paid out of the sum herein made available upon claims properly presented to and allowed by the state board of examiners, upon which allowance the state controller shall draw his warrant and the state treasurer shall pay the same.

Expenses authorized, how paid.

SEC. 6. Of the balance now remaining in the appropriation made by chapter XVI of the statutes of 1906 there is hereby reappropriated and made available for the purchase of said site and for the erection, equipment, completion and furnishing of an armory thereon for the national guard and for the traveling and incidental expenses of said commission the sum of four hundred and twenty thousand dollars.

Appropriation.

SEC. 7. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 8. This act shall take effect immediately.

CHAPTER 380.

An act to amend section 4284 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-fifth class.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand two hundred eighty-four of the Political Code of the State of California is hereby amended to read as follows:

4284. In counties of the fifty-fifth class, the county officers shall receive as compensation for the services required of them by law and by virtue of their offices, the following salaries, to wit:

Salaries in counties of fifty-fifth class (Del Norte).

1. The county clerk, nine hundred dollars per annum; *provided* that in counties of this class there shall be and is hereby allowed to the clerk a deputy to act as clerk of the board of supervisors, who shall be appointed by the county clerk and be paid a salary of fifty dollars per month; said salary to be paid

Salaries in counties of fifty-fifth class (Del Norte). by said county in monthly installments at the time and in the manner and out of the same fund as the salary of the county clerk is paid.

2. The sheriff, eighteen hundred dollars per annum; *provided* that in counties of this class there shall be and is hereby allowed a jailor who shall be appointed by the sheriff and be paid a salary of twenty-five dollars per month; said salary to be paid by said county monthly and at the time and in the manner and out of the same fund as the salary of the sheriff is paid.

3. The recorder, six hundred dollars per annum; *provided* that in counties of this class there shall be and is hereby allowed to the recorder a copyist, which office of copyist to the recorder is hereby created and which copyist shall be appointed by the recorder and be paid the salary of fifty dollars per month; said salary to be paid by said county in monthly installments at the time and in the manner and out of the same fund as the salary of recorder is paid.

4. The auditor, three hundred dollars per annum.

5. The treasurer, twelve hundred dollars per annum.

6. The tax collector, twelve hundred dollars per annum.

7. The assessor, nine hundred dollars per annum.

8. The district attorney, twelve hundred dollars per annum and such fees as are now or may hereafter be paid to that officer.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, seven hundred and twenty dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Justices of the peace. 13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

Constables. 14. Constables, such fees as are now or may be hereafter allowed by law.

Supervisors. 15. Each member of the board of supervisors, four hundred and twenty dollars per annum and twenty cents per mile in traveling from his residence to the county seat, going only; *provided* that only one mileage shall be allowed for any regular session of the board.

Official reporter. 16. In counties of this class the official reporter of the superior court shall receive as full compensation for taking notes in civil and criminal cases tried in said court and for preliminary examinations in justices' courts and the coroner's inquests, a monthly salary not to exceed fifty dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for the copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors

as other claims against the county and paid out of the county treasury, and in civil cases to be paid by the party ordering the same or when ordered by the judge, by either party or jointly by both parties as the court may direct.

17. The fees of grand jurors and trial jurors in the superior courts of said counties of the fifty-fifth class in civil and criminal cases, shall be three dollars in lawful money of the United States for each day's attendance and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

CHAPTER 381.

An act to amend section 4281 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifty-second class.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4281 of the Political Code of the State of California is hereby amended to read as follows:

- 4281.** In counties of the fifty-second class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:
- Salaries in counties of fifty-second class (Trinity).
1. The county clerk, fifteen hundred dollars per annum.
 2. The sheriff, three thousand dollars per annum.
 3. The recorder, eight hundred dollars per annum; *provided* that there shall be and hereby is allowed to the recorder one deputy, to be appointed by the recorder whose salary is hereby fixed at six hundred dollars per annum, which salary shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the recorder.
 4. The auditor, six hundred dollars per annum.
 5. The treasurer, one thousand dollars per annum.
 6. The tax collector, one thousand dollars per annum.
 7. The assessor, fifteen hundred dollars per annum.
 8. The district attorney, one thousand dollars per annum.

9. The coroner such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, seven hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Justices of
the peace.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

Constables.

14. Constables, such fees as are now or may be hereafter allowed by law.

Super-
visors.

15. Each member of the board of supervisors, two hundred and fifty dollars per annum; mileage from residence to county seat at each sitting of the board, twenty cents per mile; also three dollars per day and actual traveling expenses in discharging the duties of road commissioner but he shall not in any one year receive more than two hundred and fifty dollars as road commissioner.

CHAPTER 382.

An act to amend section 4269 of the Political Code of the State of California relating to salaries and fees of officers of counties of the fortieth class.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4269 of the Political Code of the State of California is hereby amended to read as follows:

Salaries in
counties of
fortieth
class (El
Dorado).

4269. In counties of the fortieth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees, to wit:

1. The county clerk fifteen hundred dollars per annum and such fees as he may be allowed by law to retain; and provided that in each year when a new registration is required he shall receive in addition to his salary the sum of ten (10) cents for each elector registered which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and paid from the general fund of the county.

2. The sheriff, three thousand dollars per annum, and fees, commissions and mileage for the service of papers or process served by him in all civil cases from any court, also his necessary expenses for pursuing criminals or transacting any criminal business.

3. The recorder, twenty-one hundred dollars per annum, and

all fees and commissions allowed by law to the registrar for preparing vital statistics for the State of California, and also the sum of twenty-five dollars per annum for preparing the abstract of mortgages for use of county assessor, as required by law.

Salaries in counties of fortieth class (El Dorado).

4. The auditor, nine hundred dollars per annum.

5. The treasurer, fifteen hundred dollars per annum.

6. The tax collector, five hundred dollars per annum, and ten per cent on all licenses collected by him as license collector.

7. The assessor, three thousand five hundred dollars per annum.

8. The district attorney, fifteen hundred dollars per annum.

9. The coroner, such fees as are now, or may be hereafter allowed by law.

10. The public administrator, such fees as are now, or may be hereafter allowed by law.

11. The superintendent of schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Each justice of the peace, the following fees: In civil actions before him, for all services required to be performed by him before trial, two dollars.

Justices of the peace.

For a trial, and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment, four dollars.

In all cases where judgment is rendered by default or confession, for all services, from the filing of the complaint to and including the entry of judgment, three dollars.

For issuing a writ of attachment, to include all affidavits, taking and approving bond, and all oaths and certificates necessary thereto, three dollars.

For all services and proceedings in a criminal action or proceeding whether on examination or trial, three dollars; *provided*, that if the defendant plead guilty, only two dollars shall be allowed.

For taking bail, after commitment by another magistrate, fifty cents.

For making transcript of docket, making up and transmitting papers on appeal, including the certificate to the same, two dollars.

For copies of docket or papers in his office, per folio, twenty cents.

For issuing a search warrant, to be paid by the party demanding the same, one dollar.

For celebrating a marriage, and returning the certificate to the recorder, three dollars.

For docketing a judgment or any instrument, for the first name, fifty cents; for each additional name, twenty five cents.

For taking depositions, per folio, twenty cents.

For administering an oath, twenty five cents, and certificate to same twenty five cents; for each certificate, twenty five cents.

For issuing a commission to take testimony, seventy five cents.

For all services connected with the posting of estrays, including the transcript for the recorder, three dollars.

For issuing an execution and entering satisfaction of the judgment, fifty cents.

In all cases before justices of the peace when the venue shall be changed the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the manuscript and papers, shall receive three dollars; and the justice before whom the trial shall take place, shall receive the same fees as if the action had been commenced before him.

Constables.

14. Each constable shall receive the following fees: For serving all summons in civil cases, for each defendant, including the copy required by law, one dollar.

For summoning a jury of twelve or less before a justice, one dollar and fifty cents, for each additional juror above twelve, twenty five cents.

For taking any bond required by law to be taken, fifty cents.

For subpoenaing each witness, twenty-five cents.

For serving an attachment or levying an execution on the property of a defendant, one dollar and fifty cents.

For summoning and swearing a jury to try the rights of property, and making a verdict, two dollars.

For receiving and taking care of property on execution, order or attachment, his actual necessary expenses, to be allowed by the justice who issued the order, attachment or execution upon the affidavit of the constable that the charges are correct and that the expenses were necessarily incurred.

For collecting all sums on execution, three per cent. to be charged against the defendant named in the execution.

For serving a warrant or order for the delivery of personal property, or making an arrest in a civil case, one dollar and fifty cents.

For making each arrest in criminal cases, two dollars.

For every mile necessarily traveled, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty five cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the most distant, if they live in the same direction.

For sales of estrays, the same fees as for sales on execution.

For the transportation of prisoners to the county jail the actual necessary expenses.

For attending a justices' court and taking charge of a jury and prisoner when required two dollars for each day of actual attendance upon the court.

For all other services the same fees as are allowed sheriffs for like services.

Supervisors.

15. Each member of the board of supervisors four hundred dollars per annum and twenty cents per mile for traveling

from his residence to the county seat, also his actual necessary expenses while acting as ex officio road overseer or commissioner not to exceed three hundred dollars in any one year.

16. Each member of the board of education, whether appointed or ex officio, shall receive five dollars per day as compensation for his services while in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. Said compensation of the members of said board shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors, and shall be allowed at the rate above named in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided for is not in addition to that provided in section one thousand seven hundred and seventy of this code. In counties in which there is a county high school, the board of education, acting as high school trustees, shall have power to allow and to pay from the county high school fund a sum not exceeding twenty-five dollars per month to the secretary of such board in full compensation for his services as such, said compensation to be in addition to the per diem hereinbefore allowed to him as a member of said board of education.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 383.

An act authorizing the construction, acquisition, maintenance and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of state bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A system of state highways in and for the State of California shall be constructed and acquired as and in the manner provided by law by the department of engineering of said state at a cost not to exceed eighteen million dollars. For the purpose of providing for the payment of the cost of the construction or acquisition of said system of said highways, the State of California is hereby authorized to incur an indebted-

state
highway
system.

edness in the manner provided by this act in the sum of eighteen million dollars.

Bonds for
payment of
cost of con-
struction.

Immediately after the issuance of the proclamation of the governor, as provided in section 11 of this act, the treasurer of the state shall prepare eighteen thousand suitable bonds of the State of California in the denomination of one thousand dollars each, to be numbered from 1 to 18,000 inclusive, and to bear the date of the third day of July, 1911. The total issue of said bonds shall not exceed the sum of eighteen million dollars and they shall bear interest at the rate of four per cent per annum from the date of issuance thereof. The said bonds and the interest thereon shall be payable in gold coin of the United States of the present standard of value at the office of the treasurer of said state at the times and in the manner following, to wit: The first four hundred of said bonds shall be due and payable on the third day of July, 1917, and four hundred of said bonds in consecutive numerical order shall be due and payable on the third day of July in each and every year thereafter until and including the third day of July, 1961. The interest accruing on all of said bonds that shall be sold shall be payable at the office of the treasurer of the state on the third day of January and the third day of July of each and every year after the sale of the same. The interest on all bonds issued and sold shall cease on the day of their maturity and the said bonds so issued and sold shall on the day of their maturity be paid as herein provided and canceled by the treasurer of said state. All bonds remaining unsold shall, at the date of the maturity thereof be by the treasurer of the state canceled and destroyed. All bonds issued pursuant to the provisions of this act shall be signed by the governor of this state, countersigned by the state controller and endorsed by the state treasurer, and the said bonds shall be so signed, countersigned and endorsed by the officers who are in office on the third day of July, 1911, and each of said bonds shall have the great seal of the State of California impressed thereon. The said bonds signed, countersigned, endorsed and sealed as herein provided, when sold, shall be and constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person so signing, countersigning and endorsing, or either of them, shall have ceased to be the incumbents of said office or offices.

Interest
coupons.

SEC. 2. Appended to each of said bonds there shall be interest coupons so attached that the same may be detached without injury to or mutilation of said bond. The said coupons shall be consecutively numbered and shall bear the lithographed signature of the state treasurer who shall be in office on the third day of July, 1911. No interest shall be paid on any of said bonds for such time as may intervene between the date of said bond and the day of sale thereof, unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Expenses
preliminary to
issue.

SEC. 3. There shall be provided in the general appropriation bill sufficient money to defray all expenses that shall be

incurred by the state treasurer in the preparation of said bonds and in the advertising of the sale thereof, as in this act provided.

SEC. 4. When the bonds authorized by this act to be issued shall have been signed, countersigned, endorsed and sealed as in section one provided, the state treasurer shall sell the same in such parcels and numbers as the governor of the state shall direct, to the highest bidder for cash. The governor of the state shall issue to the state treasurer such direction immediately after being requested so to do, through and by a resolution duly adopted and passed by a majority vote of the advisory board of the department of engineering. Said resolution shall specify the amount of money which, in the judgment of said advisory board shall be required at such time and the governor of the state shall direct the state treasurer to sell such number of said bonds as may be required to raise said amount of money and that said bonds shall be sold in consecutive numerical order commencing with the first four hundred thereof. The state treasurer shall not accept any bid which is less than the par value of the bond plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. The state treasurer may at the time and place fixed by him for said sale continue such sale as to the whole or any part of the bonds offered to such time and place as he may at the time of such continuance designate. Before offering any of said bonds for sale, the said treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for such sale. The state treasurer shall give notice of the time and place of sale by publication in two newspapers published in the city and county of San Francisco and in one newspaper published in the city of Oakland, and in one newspaper published in the city of Los Angeles and in one newspaper published in the city of Sacramento once a week for four weeks next preceding the date fixed for such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised.

Sale of
bonds,
manner of.

There is hereby created in and for the state treasury a fund to be known and designated as the "state highway fund," and immediately after such sale of bonds the treasurer of the state shall pay into the state treasury and cause to be placed in said state highway fund the total amount received for said bonds, except such amount as may have been paid as accrued interest thereon. The amount that shall have been paid at such sale as accrued interest on the bonds sold shall be by the treasurer of the state, immediately after such sale, paid into the treasury of the state and placed in the interest and sinking fund.

"State
highway
fund"
created.

The moneys placed in the state highway fund, pursuant to the provisions of this section, shall be used exclusively for the acquisition of rights of way for and the acquisition and

Use of
moneys in
fund.

construction of said system of state highways. The route or routes of said state highways shall be selected by the department of engineering and said route shall be so selected and said highways so laid out and constructed or acquired as to constitute a continuous and connected state highway system running north and south through the state traversing the Sacramento and San Joaquin valleys and along the Pacific coast by the most direct and practicable routes, connecting the county seats of the several counties through which it passes and joining the centers of population, together with such branch roads as may be necessary to connect therewith the several county seats lying east and west of such state highway.

Moneys shall be drawn from said state highway fund for the purposes of this act upon warrants duly drawn by the controller of the state upon demands made by the department of engineering and audited by the state board of examiners.

Appropriation.

SEC. 5. There is hereby appropriated from the general fund in the state treasury such sum annually as will be necessary to pay the principal of and the interest on the bonds, issued and sold pursuant to the provisions of this act, as said principal and interest becomes due and payable.

Tax levy to secure bondholders.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

The treasurer of the state shall, on the first day of January, 1912, and on the first day of each July and the first day of each January thereafter transfer from the general fund of the state treasury to the interest and sinking fund such an amount of the money by this act appropriated as shall be required to pay the interest on the bonds theretofore sold, until the interest on all of said bonds so sold shall have been paid or shall have become due in accordance with the provisions of this act.

Sinking fund created.

There is hereby created in the state treasury a fund to be known and designated as the "state highway and sinking fund." The treasurer of the state shall on the first day of July of the year 1917, and on the first day of July, of each and every year thereafter in which a parcel of the bonds sold pursuant to the provisions of this act shall become due, transfer from the general fund of the state treasury to the said state highway sinking fund such an amount of the moneys appropriated by this act as may be required to pay the principal of the bonds so becoming due and payable in such years.

Bonds, how payable.

SEC. 6. The principal of all of said bonds sold shall be paid at the time the same becomes due, from the state highway sinking fund, and the interest on all bonds sold shall be paid at the time said interest becomes due, from the interest and sinking fund. Both principal and interest shall be so paid upon war-

rants duly drawn by the controller of the state upon demands audited by the state board of examiners, and the faith of the State of California is hereby pledged for the payment of the principal of said bonds so sold, and the interest accruing thereon.

SEC. 7. The state controller and state treasurer shall keep full and particular account and record of all their proceedings under this act and they shall transmit to the governor in triplicate an abstract of all such proceedings thereunder with an annual report in triplicate, one copy of each to be by the governor, laid before each house of the legislature biennially. All books and papers pertaining to the matter provided for in this act shall, at all times, be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature or a joint committee of both or any citizen of the state.

Reports of
controller
and
treasurer.

SEC. 8. The highway constructed or acquired under the provisions of this act shall be permanent in character and be finished with oil or macadam or a combination of both, or of such other material as in the judgment of the said department of engineering shall be most suitable and best adapted to the particular locality traversed. The state department of engineering, in the name of the people of the State of California, may purchase, receive by donation or dedication, or lease any right of way, rock quarry or land necessary or proper for the construction, use or maintenance of said state highway and shall proceed, if necessary, to condemn under the provisions of the Code of Civil Procedure relating to such proceedings any necessary or proper right of way, rock quarry or land. The department of engineering shall have full power and authority to purchase all supplies, material, machinery and to do all other things necessary or proper in the construction and maintenance of said state highway, with the exception of those public highways which have been permanently improved under county or permanent road division bond issues within three years prior to the adoption of this act; all public highways within this state lying within the right of way of said state highway as determined and adopted by the department of engineering shall be and the same shall become a part of the right of way of said state highway, without compensation being paid therefor; *provided* nothing herein contained shall require the state to maintain any highway along or on said right of way, prior to the completion or acquisition of the permanent improvements contemplated by this act. Whenever any money received from the sale of bonds, under the provisions of this act, shall be expended in any county in this state, such county must pay into the state treasury such sum each year as shall equal the interest, at the rate of four per cent per annum, upon the entire sum of money expended within such county in the construction of said state highway, less such portion of said amount expended as the bonds matured under the provisions of this act, shall bear to the total number of bonds sold and

Character
of con-
struction
of
highway.

Refund to
state by
counties.

outstanding. All highways constructed or acquired under the provisions of this act shall be permanently maintained and controlled by the State of California.

When act
to take
effect.

SEC. 9. This act, if adopted by the people, shall take effect on the thirty-first day of December, 1910, as to all its provisions except those relating to, and necessary for, its submission to the people and for returning, canvassing and proclaiming the votes, and to such accepted provisions this act shall take effect immediately.

Submis-
sion of act
to the
people.

SEC. 10. This act shall be submitted to the people of the State of California for their ratification at the next general election to be holden in the month of November, 1910, A. D., and all ballots at said election shall have printed thereon, and at the end thereof, the words "For the State Highway Act"; and in a separate line, under the same, the words "Against the State Highway Act." Opposite said lines there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the State Highway Act", and all those voting against the said act shall do so by placing a cross opposite the words "Against the State Highway Act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Canvass of
returns.

SEC. 11. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers, and if it appears that said act shall have received a majority of all the votes cast for and against it at such election, as aforesaid, then the same shall have effect as hereinbefore provided and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof. But if a majority of the votes cast, as aforesaid, are against this act then the same shall be and become void.

Publica-
tion of act.

SEC. 12. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, A. D. nineteen hundred and ten; the cost of publication shall be paid out of the general fund, on controller's warrants duly drawn for the purpose.

Name of
act.

SEC. 13. This act shall be known and cited as the "State Highways Act."

SEC. 14. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 384.

An act to amend section 4256 of the Political Code of the State of California, relating to salaries and fees of county and township officers in counties of the twenty-seventh class.

[Approved March 22, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4256 of the Political Code of the State of California is hereby amended so as to read as follows:

4256. In counties of the twenty-seventh class the county officers shall receive, as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

Salaries in counties of twenty-seventh class (Napa).

1. The county clerk three thousand dollars per annum, and five hundred dollars additional per annum for compiling great register of the county. In counties of this class the county clerk may appoint a copyist, which office of deputy county clerk is hereby created, and said copyist shall receive as compensation for his services the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time other county officials are paid.

2. The sheriff, five thousand dollars per annum, and the fees, mileage or commissions for the service of all papers whatever issued by any court outside of his county, and all mileage for service of papers issued out of any civil case of his own county.

3. The recorder, two thousand dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees so collected shall amount to more than one hundred and fifty dollars in any month, the said recorder may receive and retain for his own use, in addition to his salary, all fees in excess of one hundred and fifty dollars in any month so collected.

4. The auditor seven hundred and fifty dollars per annum.

5. The treasurer, two thousand dollars per annum, and fees as now provided.

6. The tax collector, two thousand dollars per annum, and fees on delinquent poll taxes. In counties of this class the tax collector may appoint a stenographer for service in his office, which office of stenographer to the tax collector is hereby created, and said stenographer to the tax collector shall receive as compensation for his services the sum of seven hundred fifty dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officers are paid.

7. The assessor, three thousand two hundred dollars per annum.

8. The district attorney, two thousand dollars per annum; in counties of this class the district attorney may appoint a stenographer for service in his office, which office of stenographer to the district attorney is hereby created, and said stenographer shall receive as compensation for his services the sum of six hundred dollars per annum to be paid out of the county treasury in equal monthly installments in the same manner and at the same time other county officials are paid.

9. The coroner, such fees as are now, or may hereafter be allowed by law.

10. The public administrator, such fees as are now, or may be hereafter allowed by law.

11. Superintendent of schools, one thousand six hundred dollars per annum and actual traveling expenses when visiting the schools of the county.

12. The surveyor, such fees as are now, or may be hereafter allowed by law.

Classifica-
tion of
townships.

13. For the purpose of regulating the compensation of justices of the peace, and constables, townships in this class of counties are hereby classified according to their population, as shown by the federal census of nineteen hundred as follows:

Townships having a population of five thousand or more shall belong to and be known as townships of the first class; townships having a population of three thousand and less than five thousand, shall belong to and be known as townships of the second class; townships having a population of one thousand and less than three thousand shall belong to and be known as townships of the third class; and townships having a population less than one thousand, shall belong to and be known as townships of the fourth class. Justices of the peace and constables shall receive the following salaries, which shall be paid monthly, in the same manner as salaries of county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships of the first class, seventy-five dollars; in townships of the second class, fifty-five dollars; in townships of the third class, thirty dollars, and in townships of the fourth class, twenty dollars. In addition to the monthly salaries herein allowed, each justice of the peace and constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law, for all services rendered by him in civil actions.

Justice of
the peace.

Justices of the peace in townships of the first class shall be allowed their actual office rent, and necessary incidental expenses, not to exceed the sum of twenty-five dollars, for any one month. Constables shall be allowed all necessary expenses actually incurred in arresting and conveying a prisoner to court or to prison, which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury.

Con-
stables.

Super-
visors.

14. Each member of the board of supervisors shall receive

one thousand dollars per annum, payable monthly, which shall be in full for all services as supervisors.

SEC. 2. This act shall take effect and be in full force from and after its passage.

CHAPTER 385.

An act authorizing municipal corporations, counties, and cities and counties to acquire and hold lands by purchase or otherwise, or by lease for a term of years, for the purpose of developing and encouraging agricultural, horticultural, or botanical products and exhibiting the same, or for the purpose of erecting, rebuilding or furnishing historical museums or art galleries thereon.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Any municipal corporation, county, or city and county in this state is hereby authorized and empowered to acquire and hold by purchase or otherwise, or by lease, lands situated within the limits thereof, for a term not exceeding fifty years, for the purpose of developing and encouraging agricultural, horticultural, or botanical products and for exhibiting the same, or for the purpose of erecting, rebuilding or furnishing historical museums or art galleries thereon under such terms and conditions as may be approved by the city council, board of trustees, or other legislative body of such municipal corporation, or by the board of supervisors of such county or city and county.

Exhibition of farm products.

SEC. 2. All acts and parts of acts in conflict with this act, are hereby repealed.

SEC. 3. This act shall take effect immediately.

CHAPTER 386.

An act to provide for the equipping and furnishing of the building now in process of erection at Stockton State Hospital under the provisions of chapter 172 of the statutes of 1907, and making an appropriation therefor.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of six thousand dollars (\$6,000), to be paid to the board of managers

Appropriation for furnishing receiving ward.

of Stockton State Hospital for the purpose of equipping and furnishing the building now in process of erection at said hospital under the provisions of chapter one hundred and seventy-two of the statutes of nineteen hundred and seven, which building is to be used as a receiving ward for male and female patients and the treatment of acute cases by hydrotherapy and electricity. Said equipment and furnishing includes an operating room, steam and electric light baths, and appliances for the use of hydrotherapy and electricity.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the board of managers of Stockton State Hospital at such times and in such amounts as may be approved by the state board of examiners, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall be effective sixty days from and after its passage and approval.

CHAPTER 387.

An act to regulate contracts on behalf of the state in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road, or other state improvement of any kind and to repeal an act entitled "An act to regulate contracts on behalf of the state in relation to erections and buildings," approved March 28, 1876.

[Approved March 22, 1906.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Control of
construction of
public
buildings.

SECTION 1. Whenever provision is made by law for the erection, construction, alteration, repair or improvement of any state structure, building, road or other state improvement of any kind excepting improvements on the property of the state on the water front of the city and county of San Francisco under the jurisdiction of the board of state harbor commissioners, the total cost of which will exceed the sum of one thousand dollars, the same shall be under the sole charge and direct control of the department of engineering. Said department, before entering into any contract for the erection, construction, alteration, repair or improvement of any state structure, building, road or other state improvement of any kind shall prepare full, complete and accurate plans and specifications and estimates of cost, giving such directions for the same as will enable any competent mechanic or other builder to carry them out. The plans, specifications and estimates of cost must be approved by the advisory board of the department of engineering and the original draft thereof filed permanently in the office of the department of engineering before further action is taken.

SEC. 2. Said department of engineering shall, after the approval and filing of plans, specifications and estimates of cost, as in this act required, let such work by contract to the lowest responsible bidder or bidders upon public notice which shall be given as follows: Notice of such work must be published once a week for three consecutive weeks next preceding the day set for the receiving of bids in a paper having a general circulation in the county where the work is to be done. *Provided*, that in a record kept for that purpose the state engineer shall register any one desiring to be so registered for the purpose of becoming a prospective bidder upon state work, which registration shall be renewed on or before the beginning of each fiscal year, and whenever any state work is to be let by contract the state engineer shall cause a notice of the same to be mailed to each of the addresses so registered at least twenty-five days prior to the date set for the receiving of bids. In each case such notice must state the time and place for the receiving and opening of sealed bids and must also state that bids will be received for the entire work and also, where possible, for the performance of each of the following parts thereof, viz.: First, for the masonry work, including all brick, stone, terra cotta, and concrete work, and all necessary excavations, and filling; second, for the iron work; third, for the carpenter, electric and glazing work; fourth, for the plastering work; fifth, for the plumbing and gas fitting work; sixth, for the heating work; seventh, for the tinning, galvanized iron, and slating work; eighth, for the painting and graining work.

Contracts.

Registration of prospective bidders.

SEC. 3. On the day named in said public notice the department of engineering shall proceed to publicly open said sealed bids and shall award such contract or contracts to the lowest responsible bidder or bidders. No bid shall be considered unless accompanied with a bond of said bidder equal to ten per cent of his bid with sufficient sureties, conditioned that if said bid shall be accepted the party bidding will duly enter into a proper contract and faithfully perform his or their contract or contracts, in accordance with said bid, and the plans and specifications, which shall be and are hereby made a part of such contract or contracts. Such contract or contracts shall not be binding on the state until they are submitted to the attorney general, and by him found to be in accordance with the provisions of this act, and his certificate thereon to that effect made. If in the opinion of such department of engineering the acceptance of the lowest responsible bid or bids shall not be for the best interests of the state, it may be lawful for them to reject all bids and advertise for others in the manner aforesaid. But after the approval of the plans, specifications and estimates of costs by the advisory board of the department of engineering, if, in the opinion of such department of engineering the acceptance of any bid or bids shall not be for the best interests of the state, or if in the opinion of such department of engineering the acceptance of any further bids after the rejection of all bids submitted shall not be for the best interests of the state, it may be legal for

Award of contracts

Work may be by day's labor.

them to direct that the erection, construction, alteration, repair, or improvement of any state structure, building, road, or other state improvement of any kind shall be done by day's labor, under the direction and control of the department of engineering. All contracts shall provide that such department of engineering may, as hereinafter provided, and on the conditions stated, make any change in the plans and specifications. Certified copies of such contracts shall be filed with the controller and the board of examiners.

Change of plans.

SEC. 4. After the contract or contracts are let no change shall be made to increase or diminish the cost of any contract in excess of five hundred dollars, except upon the approval of the advisory board of the department of engineering, and then only upon additional plans and specifications and estimates of cost being filed and approved, and amended contracts entered into and filed with the original contract.

Estimates must not be exceeded.

SEC. 5. No contract or contracts shall be made exceeding in amount the estimates of costs approved by the advisory board of the department of engineering and no plans and specifications and estimates of cost including expense of advertising and inspection, shall be approved by said board requiring a greater expenditure of money than is appropriated for the specific purpose in the act authorizing the same.

Payments upon contracts.

SEC. 6. Payments upon contract shall be made as the department of engineering may prescribe upon estimates made and approved by the said department and audited by the board of examiners, but no payment shall be made in excess of ninety per cent of the percentage of actual work completed, to which has been added one half of the value of material delivered on the ground and unused. The department of engineering shall withhold not less than ten per cent of the contract price until final completion and acceptance of the work. The controller shall draw his warrants upon estimates so made and approved by the department of engineering and audited by the board of examiners and the state treasurer shall pay the same.

Injury to state a felony.

SEC. 7. Any member of the advisory board or person employed under the department of engineering who shall knowingly perform any official act to the injury of the state, or any contractor or his agent or employé who shall knowingly permit the violation of the contract of such contractor to the injury of the state, or any agent or employé of any contractor who shall have knowledge of any work being done in violation of contract and does not immediately notify the department of engineering or the inspector upon said work in regard to the same is guilty of a felony and, upon conviction thereof, shall be confined in the state prison for not less than one year nor more than five years, and be liable to the state for double the amount the state may have lost, or be liable to lose by reason thereof.

Neglect of work under contract.

SEC. 8. Whenever, in the opinion of the department of engineering, the work under any contract made in pursuance of this act, is neglected by the contractor or contractors, or the same is not prosecuted with diligence and force specified or

intended in and by the terms of the contract, it shall be lawful for such department of engineering to make a requisition upon such contractor or contractors for such additional specific force, or for such additional specific material, to be brought into the work under such contract, or to remove improper materials from the grounds; of which action of said department of engineering due notice in writing of not less than five days, shall be served upon such contractor, or his or their agent having charge of the work. If such contractor or contractors fail to comply with such requisition within fifteen days, it shall be lawful for said department of engineering to employ upon such work the additional force, or supply the materials so specifically required as aforesaid, or such part of either as they may deem proper, and to remove improper materials from the grounds; and it shall be the duty of such department of engineering to make separate estimates of all such additional force or materials so employed or supplied as aforesaid, and the amount so estimated shall be charged against said contractor or contractors, and deducted from his or their next, or any subsequent, estimate; or the same, or any part thereof, not paid as aforesaid, may be recovered by action from such contractor or contractors, and their sureties.

SEC. 9. In all contracts made under the provisions of this act, there shall be a provision in regard to the time when the whole, or any specified portion, of the work contemplated in said contract shall be completed, and also providing that for each and every day the same shall be delayed beyond such time or times so named, the said contractor or contractors shall forfeit and pay to the state a sum of money, to be fixed and determined in said contract, to be deducted from any payment or payments due, or to become due, to said contractor or contractors. Any such contract shall provide for the filing of a sufficient bond by the contractor to secure the payment of the claims of materialmen, mechanics, or laborers employed upon state work; a penalty of ten dollars per day to be forfeited to the state for each calendar day during which any laborer, workman or mechanic is employed or permitted to labor more than eight hours; a minimum compensation of not less than two dollars per day for labor; that no Chinese or Mongolian labor shall be employed and such other provisions as are now or may hereafter be provided by law.

Time
limited
in
contracts.

Bonds.

SEC. 10. An act entitled "An act to regulate contracts on behalf of the state in relation to erections and buildings," approved March 23, 1876, and all acts amendatory thereto are hereby repealed, and all other acts or parts of acts in conflict with the provisions of this act are hereby repealed. Such repeal shall not affect, however, the operation of any other act heretofore passed, whether such act shall refer to the act hereby repealed or not, so as to exempt any public work from the provisions of this act.

Act of 1876
repealed.

SEC. 11. All of the provisions of this act shall be so construed as to preserve and keep in full force and effect all causes of action and actions for penalties which have already

Causes of
action con-
tinued.

accrued or may hereafter accrue under any contract, heretofore entered into, against any contractor or person under and by virtue of the provisions of said act entitled "An act to regulate contracts on behalf of the state in relation to erections and buildings," approved March 23, 1876, which is repealed by virtue of this act, and all such actions and causes of action may be prosecuted to final judgment and all such penalties may be imposed and collected under the provisions of said act so repealed to the same extent and in the same manner as though said act had not been repealed.

SEC. 12. This act shall take effect immediately.

CHAPTER 388.

An act to amend section 4267 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-eighth class.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4267 of the Political Code of the State of California is hereby amended to read as follows:

Salaries in
counties of
thirty-
eighth
class (Stan-
islaus).

4267. In counties of the thirty-eighth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, two thousand two hundred dollars per annum; *provided*, that in counties of this class there shall be one deputy clerk, who shall be appointed by the county clerk and paid a salary of one thousand two hundred dollars per annum, in equal monthly installments, at the same time, in the same manner and out of the same fund as the salary of the county clerk is paid.

2. The sheriff, five thousand dollars per annum, and fees, commissions, and mileage for the service of papers or process coming from courts other than those of his own county.

3. The recorder, one thousand six hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be collected; *and provided*, that when the amount of said fees collected shall exceed two hundred and fifty dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of two hundred and fifty dollars in any month so collected.

4. The auditor, one thousand six hundred dollars per annum.

5. The treasurer, one thousand eight hundred dollars per annum, and the fees and commissions now or hereafter allowed by law.

Salaries in counties of thirty-eight class (Stanislaus).

6. The tax collector, one thousand two hundred dollars per annum, and the fees and commissions now or hereafter allowed by law.

7. The assessor, two thousand six hundred dollars per annum, and the fees and commissions now or hereafter allowed by law; *provided*, that in counties of this class there shall be allowed one deputy, who shall be appointed by the assessor, and paid a salary of one thousand two hundred dollars per annum, in equal monthly installments, at the same time, in the same manner and out of the same fund as the salary of the assessor is paid. It shall be the duty of said deputy, among other things to make and correct all necessary plats, maps, and block books for the assessor's office. There shall also be allowed one copyist, to be appointed by the assessor, who shall be paid a salary of nine hundred dollars a year, at the same time, in the same manner and out of the same fund as the salary of the assessor is paid; *provided also*, that for each name upon the assessment roll, representing one or more statements, in excess of four thousand five hundred, the assessor shall receive fifty cents.

8. The district attorney, two thousand two hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, two thousand dollars per annum. He shall also be allowed his actual traveling expenses when visiting the schools of the county, which expenses shall not exceed the sum of five hundred dollars in any one year. He shall receive nothing for his services as a member of the board of education. The superintendent of schools shall be allowed one deputy, to be appointed by the principal, which said deputy shall be allowed a salary of nine hundred dollars per annum, to be paid at the same time, in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

12. The surveyor shall receive one thousand eight hundred dollars per annum, and in addition thereto, actual traveling and other necessary expenses incurred in connection with field work. He shall have one deputy at a salary of one thousand dollars per annum; said deputy to be appointed by the principal and paid at the same time and in the same manner as other county officers. It shall be the duty of the surveyor among other things, to make all necessary county and road maps, and all necessary plans and specifications for bridge work and county buildings; *provided, however*, that when in the judgment of the board of supervisors of the county it is necessary to employ additional assistance for the performance of said work, other than with regard to roads, the board of supervisors may allow the necessary and actual expense

therefor; *provided* he shall receive nothing for preparing any map or plat necessary to accompany reports made by him on road work, nor for preparing and keeping up the necessary and proper records of his office. He shall at all times be subject to the orders of the board of supervisors. The office of the surveyor shall be kept open for the accommodation of the public, with the surveyor or his deputy in charge, from nine o'clock A. M. until five o'clock P. M. the same as other county offices.

Classification of townships.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population as shown by the last preceding federal census. Townships having a population of two thousand eight hundred and more shall belong to and be known as townships of the first class; townships having a population of two thousand four hundred and less than two thousand eight hundred shall belong to and be known as townships of the second class; townships having a population of one thousand six hundred and less than two thousand four hundred shall belong to and be known as townships of the third class; townships having a population of eight hundred and less than one thousand six hundred shall belong to and be known as townships of the fourth class; townships having a population of six hundred and fifty and less than eight hundred shall belong to and be known as townships of the fifth class; townships having a population of less than six hundred and fifty shall belong to and be known as townships of the sixth class; *providing*, that the board of supervisors of the county may, prior to any general election, consolidate two or more of such townships into one.

Justices of the peace.

13a. Justices of the peace shall receive the following monthly salaries, to be paid each month as the county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: In townships of the first class, ninety dollars; in townships of the second class, fifty dollars; in townships of the third class, fifty dollars; in townships of the fourth class, forty dollars; in townships of the fifth and sixth class, twenty dollars. In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions; and justices of the first, second and third class shall be allowed their office rent, not to exceed the sum of five dollars each, for any one month. Each justice must pay into the county treasury, once a month, all fines collected by him; *provided, also*, that in townships of the first class the justice may appoint a clerk who may issue and sign all attachments, summons or other process and receive and file all pleadings and either the justice or his clerk shall be in the office for the time other county offices are required to be open.

Constables.

14. Constables shall receive the following monthly salaries, to be paid each month as the county officers are paid, which

shall be in full compensation for all services rendered by them in criminal cases, to wit: In townships of the first class, ninety dollars; in townships of the second and third class, eighty dollars; in townships of the fourth class, fifty dollars; in townships of the fifth and sixth class, thirty dollars. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions; and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expense shall be audited and allowed by the board of supervisors and paid out of the county treasury; *provided further*, that when any constable is required to go out of his own county to serve a warrant of arrest, or any other paper in a criminal case, he shall be allowed mileage, outside of his own county, at the rate of ten cents per mile for one way only.

15. Supervisors, each, the sum of six hundred dollars per annum, and mileage at the rate of ten cents per mile for each mile traveled in going to and from the meeting of the board; *provided*, that only one mileage at any one session of the board shall be allowed. They shall act as road commissioners in their respective districts, and shall thereafter receive for their services as such road commissioners mileage at the rate of twenty cents per mile each, one way, for all distances actually traveled by them in the discharge of their duties as such road commissioners; *provided*, that such mileage as road commissioner shall not, in any one year, exceed the sum of three hundred dollars for any one of the commissioners.

Supervisors.

16. Witnesses in criminal cases shall receive one dollar and fifty cents per day, and ten cents per mile for each mile actually traveled, one way only. The court shall make an order directing the auditor to draw his warrant on the county treasurer for the amount due, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed.

Witnesses.

CHAPTER 389.

An act to regulate and license the hunting of wild birds and animals, and to provide revenue therefrom, for game and fish preservation and restoration.

[Approved March 22, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Every person in the State of California, who hunts, pursues or kills any of the wild birds or animals, excepting predatory birds or animals, without first procuring a license therefor, as provided in this act, is guilty of a misdemeanor.

Licenses to hunt game.

By whom
issued.

SEC. 2. Licenses granting the privilege to hunt, pursue or kill wild birds or animals, shall be issued and delivered upon application, by the county clerk of any of the counties of this state, or by the state board of fish commissioners, who shall prepare suitable licenses of convenient form and size, and have printed or stamped thereon the words: "Hunting License No. . . . , State of California, expires June 30, 19. . . ." with the registration number, and appropriate year printed or stamped thereon, which said license shall be prepared and furnished to the county clerk, and for their own disposition, by the state board of fish commissioners, which board shall take receipt therefor by number and quantity, from the several county clerks, and the county clerk shall be responsible therefor and shall account for the same to the controller of the state every three months, beginning with July 1st of each year. For each license sold, registered and accounted for by any person excepting by a fish commissioner, he shall be allowed as compensation out of the game preservation fund, ten per cent. of the amount accounted for.

SEC. 3. The licenses herein provided for shall be issued as follows:

To whom
issued, and
fee for.

First—To any citizen of the United States who is a bona fide resident of the State of California, upon the payment of one dollar.

Second—To any citizen of the United States, not a bona fide resident of the State of California, upon the payment of ten dollars.

Third—To any person not a citizen of the United States, upon the payment of twenty-five dollars.

Applica-
tion for
license.

SEC. 4. Every person applying for and procuring a license as herein provided shall furnish to the county clerk or state board of fish commissioners, his name and resident address, which information shall be by the clerk or board entered in a book kept for that purpose, and provided by the state board of fish commissioners, together with a statement of the date of issuance and the number of the license issued to such person. Such applicant shall also furnish to the county clerk or fish commissioners a written description of himself, by age, height, nationality and color of the eyes and hair.

Term of
license.

SEC. 5. All licenses issued as herein provided shall be valid, and shall authorize the person to whom issued, to hunt, pursue and kill wild birds and animals, excepting predatory birds and animals, on and from the first day of July of the year in which such license is issued until the date of expiration written or stamped thereon, but no license shall continue in force for a period longer than one year.

Disposi-
tion of
moneys.

SEC. 6. All moneys collected from licenses as provided herein, and all fines collected for the violation of the provisions hereof shall be paid into the state treasury and credited to the game preservation fund.

License
not trans-
ferable.

SEC. 7. Not more than one license shall be issued to any one person for the same fiscal year, except upon an affidavit by the applicant that the one issued has been lost or destroyed,

and no license issued as herein provided shall be transferable or used by any other person than the one to whom it was issued.

SEC. 8. Every person having a license as provided herein, who while hunting refuses to exhibit such license upon demand of any officer authorized to enforce the game and fish laws of this state, or any peace officer of the state, shall be guilty of a misdemeanor; and every person lawfully having such license, who transfers or disposes of the same to another person to be used as a hunting license, shall forfeit the same.

Must be
exhibited
on
demand.

SEC. 9. Every person violating any of the provisions of this act shall, upon conviction thereof, be punished by a fine of not less than ten nor more than one hundred dollars, or by imprisonment in the county jail for a term of not less than ten nor more than one hundred days, or by both such fine and imprisonment.

Violation
of act.

SEC. 10. An act entitled "An act to regulate and license the hunting of game birds and animals and to provide revenue therefrom for game preservation and restoration and to make appropriation for the purpose of carrying out the objects of this act," approved March 13, 1907, is hereby repealed.

Act of 1907
repealed.

SEC. 11. This act shall take effect and be in force on and after July 1st, 1909.

CHAPTER 390.

An act granting certain lands and salt marsh and tide lands of the State of California, to the city of Oakland.

[Approved March 22, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The interest of the State of California in and to all those lands and premises situated in the city of Oakland, county of Alameda, State of California, and described as follows, to wit: Beginning at the point of intersection of the northern line of Twelfth street dam and the eastern boundary line of lands heretofore granted unto the city of Oakland by the Oakland Water Front Company, by deed dated November 6th, 1891; thence northerly following said last named boundary line to its intersection with or meets with the charter line of the town of Oakland as established in the charter of said town granted in the year 1852, or intersects said line, produced easterly; thence easterly along the said northern boundary line of said town of Oakland produced easterly to the boulevard as now constructed; thence southerly and southwesterly along the shore line of said boulevard as it now exists to the said northern line of said Twelfth street dam; and thence westerly along said northerly line of said dam to the place of beginning, and also

Certain
lands
granted to
city of
Oakland.

so much of the territory and premises in and of the north arm of the estuary of San Antonio in the present city of Oakland as lies between the southerly line of Twelfth street and the mouth of said north arm and between the two lines of ordinary low tide in said north arm as said low tide lines existed on May 4th, 1852, and all the salt marsh and tide lands lying between said southerly line of Twelfth street and the mouth of said north arm of said San Antonio estuary, are hereby granted to the city of Oakland, a municipal corporation.

SEC. 2. This act shall take effect immediately.

CHAPTER 391.

An act to authorize the governor to accept on behalf of the state the grant of certain lands in Butte county.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Authority
to accept
Bidwell
lands.

SECTION 1. The governor is hereby authorized to accept, on behalf of the State of California, a certain grant of lands in Butte county, more fully described in a certain deed of indenture executed by Annie E. K. Bidwell, of the county of Butte, California, and dated July 1, 1908. The lands so conveyed shall constitute a public park, under the control of the state board of forestry, or their successors in authority, subject to all the reservations and conditions set forth in said deed.

Deed.

THIS INDENTURE, made this first day of July A. D. 1908, between Annie E. K. Bidwell of the county of Butte, State of California, the party of the first part, and the State of California, the party of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of one dollar, lawful money of the United States of America, to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell, convey and confirm unto the said party of the second part, forever, all those certain lots, pieces or parcels of land situate, lying and being in the county of Butte, State of California, and bounded and particularly described as follows, to wit:

Descrip-
tion of
lands.

All that strip of land of varying width bounded on the west by the Sacramento river and an inlet thereof; on the east by the west line of Sutter avenue and the west line of the county road, said strip of land extending from the north boundary of Rancho Arroyo Chico in the northwest $\frac{1}{4}$ of section 22, township 22 north of range 1 west, M. D. B. and M., to the southerly extremity of said Rancho Arroyo Chico on the north bank of

Chico creek near its confluence with the Sacramento river in section 2, township 21 north of range 1 west, M. B. D. and M., excepting and reserving therefrom lot thirty-two (32) of the meridian subdivision of the John Bidwell rancho. Also all that strip of land of varying width including both banks and the channel of Lindo channel, otherwise called Sandy Gulch, from the point where said Lindo channel intersects the line of the park deeded by Annie E. K. Bidwell to the city of Chico, July 10, 1905, to the point where said Lindo channel disembogues into Chico creek. Said strip of land herein conveyed includes all lands lying between the seventh, sixth and third subdivisions of the John Bidwell rancho, the Cussick tract, the lands of H. B. Reed and Park Henshaw, the twelfth and fifteenth subdivisions of the John Bidwell rancho and a body of land between the said fifteenth subdivision and the said park line all on the north and west side of Sandy Gulch or Lindo channel and the seventh, second, fourth, fourteenth and sixteenth subdivisions of the John Bidwell rancho and a body of land between the said sixteenth subdivision and the said park line, all on the south and east side of said Lindo channel or Sandy Gulch. Also all that strip of land of varying width on the north side of Chico creek and running to the center of said creek, extending from the point where the Southern Pacific railroad right of way crosses said creek westwardly and down said stream following the courses of the same to the mouth thereof; said strip of land being bounded on the north by the second, seventh and meridian subdivisions of the John Bidwell rancho and on the south by the center of the channel of Chico creek.

This conveyance is made upon the following conditions and should all or any of said conditions be broken the title herein granted by this deed shall cease, revert to and be vested in the said Annie E. K. Bidwell, her heirs or assigns. Conditions of grant.

The grantee shall not use, cause to be used or allow to be used, directly or indirectly, said land or any part thereof for the purpose of making or selling intoxicating liquors or of giving the same away.

The grantor reserves to herself during her lifetime the use and control of such of said lands above described as lie east of the Shasta or Oregon road for all purposes, and she reserves during her said lifetime all present water rights in both Lindo channel and Chico creek, together with the right to use or sell any sand, gravel, earth or timber within any of said above described tracts, as she may deem wise and proper; and furthermore it is one of the conditions of this conveyance that nothing herein shall interfere with or abridge, now or hereafter, the custom of closing Lindo channel during the summer months at its point of exit from Chico creek, in order that a steady and continuous flow of water may be maintained in the channel of said Chico creek throughout the entire year. Reservation by grantor.

The object of the grantor in conveying this property to the State of California is to preserve, after her death, the forest growth along said water courses; to prevent the diversion and Object of grant.

use of the water for private purposes; to minimize the loss of water by evaporation so that the sub-irrigation of the adjoining lands may be maintained to its natural extent and to maintain the natural beauty of said streams and the integrity of their banks. It is understood that the State of California in accepting this conveyance shall retain the title to the lands herein granted in perpetuity.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To have and to hold all and singular the said premises, together with the appurtenances, unto the said party of the second part, forever.

In witness whereof, the said party of the first part has hereunto set her hand and seal, the day and year first above written.

Signed, sealed and delivered in the presence of

.....

(Signed) ANNIE E. K. BIDWELL. [SEAL.]

[Endorsed:] Deed. Annie E. K. Bidwell to the State of California.

CHAPTER 392.

An act to prevent persons from unlawfully using a union card.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Union
card.
unlawful
use of.

SECTION 1. Any person, who shall willfully use the card of any labor union to obtain aid, assistance or employment, thereby within this state, unless entitled to use said card under the rules and regulations of a labor union within this state, shall be guilty of a misdemeanor.

SEC. 2. All acts, and parts of acts, in conflict with the provisions of this act, are hereby repealed.

CHAPTER 393.

An act to fix the salaries of the state forester, deputy forester and assistant forester.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The salary of the state forester shall be three thousand dollars per annum, that of the deputy forester eighteen hundred dollars per annum and that of the assistant forester sixteen hundred dollars per annum, all such salaries to be paid as the salaries of other state officers are paid. Salaries of state forester and assistants.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

CHAPTER 394.

An act to amend section 2802 of the Political Code of the State of California, relating to toll roads.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2802 of the Political Code is hereby amended so as to read as follows:

2802. The provisions of this article apply to all toll roads, whether owned by companies, corporations, or natural persons, and include, toll roads constructed or to be constructed and operated for the use of light vehicles for the carriage of persons, or for the use of automobiles and other horseless vehicles. Provisions apply to all toll roads.

CHAPTER 395.

An act to amend sections 626, 626c, 626d, 626m, and 627b, of the Penal Code of California, and to add to said Penal Code two new sections, to be numbered sections 626n and 626o, relating to the protection and preservation of game and fish.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 626 of the Penal Code of the State of California is hereby amended to read as follows:

626. Every person who, between the fifteenth day of February and the first day of October of any year, hunts, pursues, takes, kills, or destroys, or has in his possession any kind of wild duck, black sea brant, or any rail, curlew, ibis, plover, or other shore birds (*Limicolae*) or who, between the first day of February and the first day of October of any year, hunts, pursues, takes, kills, or destroys, or has in his possession, any desert or valley quail; or who, between the first day of April and the first day of October of any year, hunts, pursues, takes, kills, or destroys, or has in his possession, any Wilson snipe; or who, at any time prior to the first day of September one thousand nine hundred and eleven, hunts, pursues, takes, kills, or destroys, or has in his possession, any mountain quail, grouse or sage hen, is guilty of a misdemeanor.

SEC. 2. Section 626c of the Penal Code of the State of California is hereby amended to read as follows:

626c. Every person who takes, kills, or destroys, or has in his possession any swan, or any wild pheasants, or any bob-white quail, or any variety of imported quail or partridge, or wild turkey, is guilty of a misdemeanor.

SEC. 3. Section 626d of the Penal Code of the State of California is hereby amended to read as follows:

626d. Every person who, during any one calendar day, takes, kills, or destroys, or has in his possession, more than twenty-five wild ducks, or black sea brant, or more than twenty quail, snipe, curlew, ibis, plover, rail, or any other shore birds (*Limicolae*), or more than twenty doves, is guilty of a misdemeanor.

SEC. 4. Section 626m of the Penal Code of the State of California is hereby amended to read as follows:

626m. Every person who, at any time between one half hour after sunset of any day and one half hour before sunrise of the following day, hunts, pursues, takes, catches, kills or destroys any of the game birds or animals of this state; or who, between one hour after sunset of any day and one hour before sunrise of the following day takes, catches, kills or destroys any trout, or whitefish, is guilty of a misdemeanor.

SEC. 5. Section 627b of the Penal Code of the State of California is hereby amended to read as follows:

627b. Every common carrier which receives for shipment or transportation from, or which ships or transports for, any one person during any one calendar day more than twenty-five wild ducks, or black sea brant, or more than twenty quail, snipe, curlew, ibis, plover, rail, or other shore birds (*Limicolae*), or more than twenty doves; or which ships or transports, or any person offering for shipment or transportation any of the said birds, or any deer, or any deer meat, in any quantity, unless such birds, or deer, or deer meat are at all times in open view and tagged or labeled with the name and residence of the person by whom they are shipped; or any person who shall at the time of such shipment or transportation fail to furnish to any such common carrier a tag or label bearing his name, residence and the exact contents of the package offered for shipment or transportation is guilty of a misdemeanor; *provided*, that nothing in this section contained shall be construed to permit any person to have in his possession any game or fish contrary to the provisions of this chapter, nor to permit any common carrier to have in its possession more than the above specified number of said birds during any one calendar day, though lawfully received, except during the shipment or transportation thereof.

Ship-
ments,
limit of
certain
game.

SEC. 6. A new section is hereby added to the Penal Code of California to be numbered 626n, to read as follows:

626n. Every person who, at any time, shall use any animal as a blind, or use such animal for the purpose of approaching any wild duck, geese, curlew, ibis, plover or other waterfowl or shore birds, for the purpose of shooting at, or killing any such waterfowl, or shore birds, or who, at any time takes, kills, or has in his possession any such waterfowl or shore birds, taken by any such method, is guilty of a misdemeanor; *provided however*, that nothing herein contained shall prevent the use of dogs in hunting or approaching such birds.

Use of
animals as
blinds.

SEC. 7. A new section is hereby added to the Penal Code of California to be numbered 626o, to read as follows:

626o. Every person who in the State of California, shoots at any kind of wild duck from any launch or other boat propelled by steam, gasoline, naphtha, electricity or other power, while said launch or boat is in motion, is guilty of a misdemeanor.

Shooting
from mov-
ing boats.

SEC. 8. All acts and parts of acts in conflict with this act are hereby repealed.

CHAPTER 396.

An act to amend section 4236 of the Political Code relating to county and township officers of counties of the seventh class.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4236 of the Political Code is hereby amended to read as follows:

Salaries in
counties of
seventh
class
(Fresno).

4236. In counties of the seventh class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, to wit:

1. The county clerk twenty-four hundred dollars per annum. He shall have two deputies at a salary of fifteen hundred dollars each per annum and four deputies at a salary of twelve hundred dollars each per annum. He shall have for use in his office and under his supervision and control one filing clerk, which office of filing clerk is hereby, by the terms of this act, expressly created. The said position of filing clerk to be filled by the county clerk in the same manner as deputies are appointed by him and said filing clerk is to be at all times as to his duties under the supervision and control of the county clerk the same as deputies of such county clerk are under his supervision and control, which said filing clerk shall receive a salary of twelve hundred dollars per annum. He shall also have a registration clerk, which office of registration clerk is hereby, by the terms of this act, expressly created. The said position of registration clerk to be filled by the county clerk in the same manner as deputies are appointed by him and said registration clerk is to be at all times as to his duties under the supervision and control of the county clerk the same as deputies of such county clerk are under his supervision and control, which said registration clerk shall receive a salary of twelve hundred dollars per annum.

2. The sheriff, six thousand dollars per annum and all fees for the services of processes issued without his county. He shall have an undersheriff, whose annual salary shall be eighteen hundred dollars per annum. And six 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.

Salaries in
counties of
seventh
class
(Fresno).

3. The recorder, twenty-one hundred dollars per annum. He shall have one deputy whose annual salary shall be fifteen hundred dollars and two deputies whose annual salary shall be twelve hundred dollars each per annum. 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 nine hundred and sixty dollars per annum. He shall have for use in his office and under his supervision and control an abstract clerk, which office of abstract clerk is hereby, by the terms of this act, expressly created. The said position of abstract clerk to be filled by the recorder in the same manner as deputies are appointed by him and said abstract clerk is to be at all times as to his duties under the supervision and control of the recorder in the same manner as deputies of such recorder are under his supervision and control, which said abstract clerk is to receive a salary of fifteen hundred dollars per annum. He shall have such copyists as are necessary to perform the duties of the office at a compensation of six cents per folio.

4. The auditor, twenty-one hundred dollars per annum, and one deputy at an annual salary of fifteen hundred dollars, and one deputy at an annual salary of twelve hundred dollars. 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.

5. The treasurer, two thousand five hundred dollars per annum. He shall have a deputy at a salary of fifteen hundred dollars per annum.

Salaries in
counties of
seventh
class
(Fresno).

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 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 fifteen 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; the 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 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 for a period of six months each at fifty dollars per month each during such time. All sums collected by the assessor or his deputies, either as personal property taxes or the fees allowed by law for the making of the military roll shall be paid into the county treasury monthly as collected, with a statement of account of such collections.

8. 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 eighteen 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 dollars per month.

Salaries in counties of seventh class (Fresno).

10. The coroner such fees as are now or may hereafter be allowed by law.

11. The public administrator such fees as are now or may hereafter be allowed by law.

12. The superintendent of schools, 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 created. 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 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 of his county.

13. The surveyor, two thousand dollars per annum in full compensation for all services as county surveyor, as road viewer or inspector and his actual expenses when at work in the field. He shall have one deputy at an annual salary of fifteen hundred dollars per annum.

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, 1907. The salaries of the constables in the several townships shall be determined by the registered voting population as shown by said register at the general election of the preceding even numbered year, and are as follows, to wit:

Determination of population.

Judicial township No. 1.....	356
Judicial township No. 2.....	694
Judicial township No. 3.....	5,796
Judicial township No. 4.....	947
Judicial township No. 5.....	1,043
Judicial township No. 6.....	727
Judicial township No. 7.....	919
Judicial township No. 8.....	606
Judicial township No. 9.....	353
Judicial township No. 10.....	560
Judicial township No. 11.....	93
Judicial township No. 12.....	62
Judicial township No. 13.....	437

The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid in the month of December biennially.

Classifica-
tion of
townships.

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 five hundred and less than eight hundred shall belong to and be known as townships of the fourth class; townships having a like population of two hundred and fifty and less than five hundred shall belong to and be known as townships of the fifth class; townships having a like population of two hundred and fifty and less shall belong to and be known as townships of the sixth class.

Justices of
the peace.

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:

In townships of the first class two hundred dollars.

In townships of the second class one hundred dollars.

In townships of the third class one hundred dollars.

In townships of the fourth class seventy-five dollars.

In townships of the fifth class sixty dollars.

In townships of the sixth class twenty dollars.

In addition to the monthly salaries herein allowed each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions. Each justice of the peace must pay into the county treasury once a month all fines collected by him.

Con-
stables.

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:

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.

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. Super-
visors.

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.

CHAPTER 397.

An act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. That any municipal corporation, under such terms and conditions as may be prescribed by the city council, or other legislative body thereof, is hereby authorized and empowered to permit any other municipal corporation to construct and maintain sewers, water mains or other conduits in, across, or along the streets and other public places of such municipal corporation, and to use the same for such purposes, under the provisions of this act, and not otherwise. Construc-
tion of
conduits.

SEC. 2. Whenever the city council, or other legislative body of any municipal corporation, shall find, and by resolution shall declare, that the location of such municipal corporation, or any portion of the territory included therein, is such that the same can not be adequately or conveniently provided with sewers, water mains or other conduits, without the construction and maintenance by such municipal corporations of certain sewers, water mains, or other conduits connecting therewith, in, across, or along certain streets, or other public places of any other municipal corporation, or corporations, such city council, or other legislative body, may cause a copy of such resolution to be submitted to the council, or other legislative body of such other municipal corporation or corporations in which such Permis-
sion to
construct,
how
granted.

streets or other public places are situated. Said resolution shall contain a description of the sewers, water mains, or other conduits proposed to be constructed and maintained in such other municipal corporation or corporations, and shall designate the streets, or other public places thereof, in, across or along which such sewers, water mains, or other conduits are so proposed to be constructed and maintained. Said resolution shall be accompanied by a request in writing, that the municipal corporation on behalf of which the same is made, signed by the clerk thereof, be granted permission to construct and maintain the sewers, water mains or other conduits described in said resolution. The city council, or other legislative body of any municipal corporation receiving such request and a copy of such resolution may by ordinance grant such permission at its discretion, and under such terms and conditions as it shall therein prescribe. If the permission granted under the provisions of this section shall be for the construction and maintenance of sewers, the city council, or other legislative body of any municipal corporation granting the same may, as a condition to the exercise of such permission, require that said municipal corporation shall have the right to connect its sewers with the sewers to be constructed under such permission, and to use the same in connection with its sewer system, upon the payment by it of such proportionate part of the cost of construction and maintenance of such sewers to the municipal corporation by which the same shall be constructed, as may be determined by resolutions of the city councils, or other legislative bodies, of both municipal corporations; such payment to be so made at such times and in such amounts as may be so determined.

Condi-
tions for
exercise of
permis-
sion.

Contracts,
to whom
let.

SEC. 3. All contracts for the construction or completion of any sewers, water mains or other conduits, or for furnishing labor or materials therefor, to be constructed by any municipal corporation in, across or along the streets of any other municipal corporation or corporations, as herein provided, shall be let to the lowest responsible bidder. The city council or other legislative body of the municipal corporation so constructing such sewers, water mains or other conduits, under permission granted as in this act provided, shall advertise for at least ten days in one or more newspapers published in such municipal corporation, inviting sealed proposals for furnishing the labor and materials for the proposed work before any contract shall be made therefor. The said city council, or other legislative body, shall require such bonds as it may deem best from the successful bidder to insure the faithful performance of the contract work, and shall also have the right to reject any and all bids; *provided, however*, that nothing herein contained shall be construed as prohibiting such municipal corporation itself from constructing or completing such works, and employing the labor necessary therefor, without such advertisement for proposals or letting of a contract; *and provided, further*, that in any municipal corporation operating under a freeholders' charter, heretofore or hereafter framed under section 8 of

Bonds.

Board of
public
works may
perform
work.

article XI of the constitution, and providing for a board of public works, all the matters and things required in this section to be done and performed by the city council, or other legislative body of such municipal corporation, shall be done and performed by the board of public works thereof; *and provided, further*, that in case such charter or general law under which such municipal corporation is operating or existing, prescribes the manner of letting and entering into contracts for the furnishing of labor, materials or supplies, for the construction or completion of public works or improvements, the contracts for such sewers, water mains, or other conduits shall be let and entered into in conformity with such charter or general law.

SEC. 4. Whenever the councils, or other legislative bodies of two or more municipal corporations shall find, and by resolutions adopted by them shall declare, that it will be for the interest or advantage of such municipal corporations so to do, such municipal corporations, by their respective city councils, or other legislative bodies, may enter into a joint agreement authorizing the construction and maintenance of sewers, water mains, or other conduits situated in the streets or other public places of either or any of such municipal corporations, or in part outside of the limits thereof, at the joint cost and expense of, and for the joint use and benefit of such municipal corporations, upon such terms and conditions, and under such regulations, as may be approved by the city councils or other legislative bodies of all such municipal corporations; and the city council or other legislative body of each such municipal corporation may bind and obligate such municipal corporation to pay such proportionate part of the cost of the construction and maintenance of such sewers, water mains, or other conduits at such times and in such installments as may be so approved. All contracts for the construction of sewers, water mains or other conduits, under the provisions of this section shall be made and entered into by the one of such municipal corporation designated by the city councils or other legislative bodies of all such municipal corporations, and in the manner provided in section 3 of this act. Two or more municipal corporations may also, by their city councils, or other legislative bodies, enter into an agreement or agreements with each other for the joint use by such municipal corporations of any sewers, water mains, or other conduits theretofore, in whole or in part, constructed in the streets or other public places of either or any such municipal corporations, upon such terms and conditions as they may, by mutual agreement made by their respective city councils, or other legislative bodies, determine to be proper.

Joint agreement by municipal bodies.

Contracts, by whom entered into.

SEC. 5. This act shall take effect immediately.

CHAPTER 398.

An act to amend article I of chapter I of title VIII of part III of the Political Code of the State of California, said title relating to property of the state, said chapter relating to the public lands, and said article relating to general provisions respecting public lands, by amending sections 3398 and 3406 thereof, relating to location of lands in United States land offices, by adding a new section thereto to be known as section 3106a, relating to bases for indemnity selections, by amending section 3407, relating to the issuance of approvals and as hereby amended relating to certificates of purchase, by repealing section 3410 thereof relating to compensation of registers and receivers of United States land offices, and by adding five new sections thereto, to be known as sections 3408a, 3408b, 3408c, 3408d and 3408e, relating to indemnity selections in lieu of losses in grants made to the state, where the state is entitled to make such selections for any reason, withholding certain lands from sale and making the same bases for indemnity selections, providing a method for the sale at public auction of indemnity certificates or scrip, entitling the owner to have selected for him government lands in lieu thereof, making certain acts unlawful, providing penalties for the commission of such unlawful acts and all said sections relating to land grants made to the state by the United States and lands to be selected in lieu thereof.

[Approved March 24, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3398 of the Political Code is hereby amended so as to read as follows:

Lieu lands,
surveyor
general
agent for
location of.

3398. The surveyor general is the general agent of the state for the location in the United States land offices of the lands desired to be selected and located in lieu of the sixteenth and thirty-sixth sections granted to the state for the use of the public schools, and in lieu of any and all losses sustained by the state to its school grant, whenever he is authorized by law to make such location or locations, or whenever for any reason he is authorized to select lands in lieu of grants made to the state; but no such selection or reselection or designation shall hereafter in any manner be made, except upon the surrender to the surveyor general, as in this article provided, of a certificate of indemnity or scrip. But nothing herein shall be construed as affecting the validity of, or to interfere with the perfecting of any selection, reselection, designation or redesignation now in good standing in the United States land office. And no reselection of any land for which a certificate of purchase is outstanding shall be made by the surveyor gen-

eral until the certificate of purchase issued therefor shall have been surrendered.

SEC. 2. Section 3406 of the Political Code is hereby amended so as to read as follows:

3406. If any applicant desires to purchase any of the lands mentioned in section 3398 of the Political Code, such applicant shall, before filing with the surveyor general the said application, properly prepare all papers and documents on the forms as prescribed by the surveyor general, and the department of the interior, and shall also surrender the indemnity certificate or scrip which he desires the surveyor general to use as bases for indemnity, and the surveyor general shall, if said applicant complies with the provisions of this article and of law, thereupon communicate with the United States land offices and ask that the lands sought to be purchased be listed to the state in lieu of the bases named in the surrender certificate. The said applicant shall also pay to the surveyor general at the time of the presentation of the application all fees required by the United States land offices for the said location, shall also furnish all county recorders' or other certificates as may be required, and shall pay for publication of any and all notices required by the United States land offices.

Applica-
tion for
lands.

The county recorder upon the request of any person or his agent or attorney shall forthwith on the payment of the fees allowed by law, furnish the certificate herein required, or any other such certificate that may be required by the rules or regulations of the United States land office.

SEC. 3. A new section is hereby added to the Political Code, to be known as section 3406a, and to read as follows:

3406a. All sixteenth and thirty-sixth sections situated within the exterior boundaries of a permanent reservation, and also all losses sustained by the state to its school grants, shall be and constitute valid bases for indemnity selections, as contemplated by this article and by law, but said base shall only be available when sold and indemnity certificates or scrip issued therefor, and the surveyor general is authorized and empowered to forward to the United States land offices selections based thereon and where based upon surveyed school sections included within the exterior boundaries of permanent reservations, if the lands applied for are finally listed to the state in lieu of such surveyed school sections constituting such bases, then, and in that event, the title of the state to such bases shall vest in the United States without further act on the part of the state and the title of the state to such bases shall be deemed to have been conveyed to the United States, as of the date of such listing. All selections heretofore made by the surveyor general, and which are now pending before the land department of the United States, based upon surveyed school sections situated within the exterior boundaries of a permanent reservation, shall be, if accepted by the United States land department, deemed to be valid bases, and, upon the listing of such lands, the title of the state to such sur-

Bases for
indemnity
selections.

veyed school sections shall pass to and vest in the United States.

SEC. 4. Section 3407 of the Political Code is hereby amended so as to read as follows:

Approval
of applica-
tion.

3407. When the register of the state land office shall receive from the register of the United States land office a notice to the effect that any indemnity school land selection has been filed and accepted subject to future approval, the said register of the state land office shall approve the application in accordance with the said acceptance and issue a certificate of purchase showing full payment for the land sought by the applicant and as so approved.

Repeal of
Sec. 3410.

SEC. 5. Section 3410 of the Political Code is hereby repealed.

SEC. 6. A new section is hereby added to the Political Code to be known as section 3408a, and to read as follows:

"Perma-
nent reser-
vation"
defined.

3408a. Within the intent and meaning of this article the words "permanent reservation" shall be deemed and held to signify, designate and apply only to a national reservation established by proclamation of the president of the United States; the words "temporary reservation" shall be deemed and held to signify, designate and apply to any and all withdrawals of public lands from entry, for any purpose, and lands within the exterior boundaries of such withdrawals, where the same shall have not become a permanent reservation by proclamation of the president of the United States.

SEC. 7. A new section is hereby added to the Political Code to be known as section 3408b and to read as follows:

Surrender
of scrip.

3408b. For the purpose of enabling the state to sell and issue certificates of indemnity or scrip, as in this article provided, no person shall hereafter, except upon the surrender of an indemnity certificate or scrip as in this article provided, have the right to apply for or be entitled to designate or have selected or located for him by the surveyor general of the state in the United States land offices any lands in lieu of loss or losses to the state in or to any grant or grants heretofore or hereafter to be made to it by the United States, nor shall the surveyor general make any indemnity selections or locations in the United States land offices on behalf of any person, or at the request of any person, or at all, where the state may now or may hereafter be entitled to select lands by reason of the existence of any fact or reason now or hereafter entitling it to select or locate lands in the United States land offices, except upon the surrender of an indemnity certificate or scrip as herein provided, and no selection or designation in any manner shall be made in lieu of any base or bases which may now or may hereafter exist, except upon the surrender of an indemnity certificate or scrip, whether the said right to select indemnity lands shall arise by reason of any lands granted to the state being subject to the claims of homestead or pre-emption settlers under the laws of the United States, or by reason of the sixteenth and thirty-sixth sections, or either, being mineral in character, or by reason of the same being

included within any Indian, military or other reservation, or the exterior boundaries thereof, or by reason of deficiencies, where said sections, or either, are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or by reason of any natural cause whatever, or by reason of the existence of any cause or fact whatsoever which, under the laws of the United States, may entitle the state to make indemnity selections.

All sixteenth and thirty-sixth sections, both surveyed and unsurveyed, which may now or may hereafter be included within the exterior boundaries of a national reservation, or of a reserve, or within the exterior boundaries of lands withdrawn from public entry, shall be and are hereby withheld from sale by the state, and the same shall hereafter be used only as bases for indemnity selections as in this article provided. And whenever such land is withdrawn by authority of the United States, for any purpose, or placed within any reservation, or the exterior boundaries thereof, whether temporary or permanent, the said lands shall not thereafter be subject to purchase, entry or sale, or be or constitute base or bases for indemnity selections, except in the manner herein provided; and the surveyor general is prohibited from receiving or filing any application for any lands in place within any such reservation or the exterior boundaries thereof after the creation thereof, or after such lands have been withdrawn from public entry, and is likewise prohibited from designating or using any base or bases which may now or which may hereafter exist for indemnity selection or selections except as herein provided; and if any application shall be filed contrary to the provisions hereof, said application shall be null and void, and shall be cancelled by the surveyor general, and if the same shall have been filed through inadvertence or mistake, or if the surveyor general shall, after the withdrawal of such lands from public entry, have received any application, by any applicant claiming the right to have the lands in said application described, selected or located in lieu of any of said lands so withdrawn from public entry, or by reason of any fact entitling the state to make an indemnity selection, the said application shall likewise be null and void, and the said applicant shall have no right to have the lands applied for by him selected in lieu of the lands designated by him, or in lieu of any lands in said reservation, or for any reason or fact whatsoever. The provisions of section 3494 of this code are hereby expressly made subject to the provisions of this article.

Lands reserved for indemnity selections.

Nothing herein contained, however, shall be held to prevent the state from selling its school sections in place, after the termination or extinguishment of any reservation, if such school sections have not theretofore been disposed of.

Sale of school sections.

SEC. 8. A new section is hereby added to the Political Code to be known as section 3408c, and to read as follows:

3408c. Whenever there shall exist in the State of California as may be determined by the surveyor general the right

Determination of bases of indemnity.

to select any lands from the United States, for any of the causes or reasons for which it may now or may hereafter under the laws of the United States be entitled to make indemnity selections, the surveyor general shall ascertain from time to time the number of acres of land to which the state is entitled as indemnity and shall keep on file a statement showing of what such bases consist. In determining the bases in lieu of which the state is entitled to indemnity, the surveyor general shall also include all sixteenth and thirty-sixth sections which were surveyed at the time of the withdrawal of such lands from public entry, or at any time thereafter; *provided, however*, that should the land department of the United States determine that such surveyed sections are improper or invalid bases, then the surveyor general shall not be required thereafter to consider or treat said surveyed sections as valid or any bases for indemnity selections. No base or bases shall be deemed or considered or treated as proper or valid base or bases for indemnity selections, where such base or bases may exist by reason of the inclusion of the same within a reservation unless the same be included within the exterior boundaries of a permanent reservation, but all such bases shall be withheld from sale, or other disposition, until such temporary reserve or withdrawal shall have become a permanent reservation.

Sec. 9. A new section is hereby added to the Political Code to be known as section 3408d, and to read as follows:

3408d. Whenever the state shall be entitled to make indemnity selections for any reason, the surveyor general shall, on behalf of the state and in the manner herein provided, issue and sell to persons qualified to purchase state lands, indemnity certificates of location or scrip, as herein provided. No person shall be entitled to purchase an indemnity certificate of location or scrip unless he be qualified to purchase state lands as provided by law, and no person shall be entitled to purchase such a certificate representing more than six hundred and forty acres of land, nor less than the smallest legal subdivision of land as shown and indicated on the United States plats. As the surveyor general shall ascertain, from time to time, the number of acres to which the state is entitled as indemnity, he shall sell at his office in the city of Sacramento, State of California, at public auction, to the highest bidder, for cash, in gold coin, and to persons qualified to purchase state land indemnity certificates or scrip. All sales under the provisions hereof shall take place on the first Monday in the months of January, March, May, July, September and November in each year commencing at the hour of ten A. M., and if any such day falls on a legal holiday, then the next business day thereafter; *provided further*, that the first sale under the terms hereof shall be held on the first Monday in May, 1909. No person shall bid, purchase or buy at said sale for or on behalf of any other person, unless such person so bidding on behalf of another shall file with the surveyor general a written author-

Who
entitled to
purchase
scrip.

Sales of
scrip.

ization so to do, and shall also file an affidavit by such person intending to purchase, showing that the said last-named person is qualified to purchase state lands, and no bid shall be received or considered and no land or the right to any land will be sold and no certificate of indemnity or scrip shall be issued for less than the sum of one dollar and twenty-five cents per acre. Certificates of indemnity or scrip as herein provided shall be offered for sale and sold in such quantities as may in the discretion of the surveyor general be deemed to be for the best interests of the state, but in no case shall indemnity certificates or scrip be offered for sale in quantities exceeding eighty acres.

When certificates of indemnity or scrip are sold as herein provided, the surveyor general shall issue to the purchaser an indemnity certificate of location or scrip, in such form as may be by him provided, containing the date of the sale, a description of the land, or statement of the facts or other cause constituting the bases by reason of which the state is entitled to indemnity, the name of the person to whom issued, the price paid therefor, and the fact that such certificate may be surrendered to the surveyor general, and the holder and owner thereof (provided he be the original purchaser of such certificate of indemnity or scrip) shall be entitled to have selected from the vacant unappropriated lands of the United States within the state open to selection, the same number of acres as represented by the certificate surrendered, which the party who makes the surrender shall designate; *provided, however*, that if the land sought to be selected be suitable for cultivation, then such person must be an actual settler thereon, and in that event, he shall only be entitled to have selected or located for him not more than three hundred and twenty acres, and the said certificate, if representing more than three hundred and twenty acres, shall not be deemed to give the said person so surrendering it the right to have selected for him any more than a single individual is by law now allowed to acquire, and if any such certificates of indemnity or scrip shall represent more than three hundred and twenty acres, the said owner thereof shall be entitled to restitution for the said excess to the amount paid therefor. If the lands applied for be not open to entry, the holder of a certificate of indemnity shall be entitled to apply for other lands or receive restitution to the amount paid for such certificate or certificates of indemnity or scrip. At the time of surrendering said certificate said person so surrendering the same shall make and file the same affidavit and application, as is now required by law for the purchase of state school lands, and he shall pay all fees as provided by law in connection with the sale of state school lands, and the issuing of evidences of title therefor. The said certificates of indemnity or scrip, however, shall be held to be, and shall be considered and accepted as the full purchase price for the land sought to be purchased by the applicant. The said certificate of indemnity shall not be subject to sale or assignment; *provided, how-*

Form of
scrip.

As to lands
suitable
for cultivation.

ever, that if the purchaser shall die without having selected lands in accordance therewith, his successors in interest or legal representatives may surrender the said certificate and be entitled to restitution for the amount paid therefor.

If it appears, when any certificate of indemnity or scrip is surrendered that the owner of said certificate was not qualified to purchase state lands when the said certificate was purchased, the said certificate shall be cancelled and become null and void, and he shall be entitled to restitution therefor. The surveyor general shall have the right to continue any sale, when he shall deem it to the interest of the state so to do, to the next sale date thereafter.

If bases
named are
invalid.

Whenever it is made to appear to the satisfaction of the surveyor general that the base or bases named in any certificate of indemnity or scrip is or are invalid, or will not be accepted by the land department of the United States, the owner and holder thereof may surrender the same to the surveyor general and be entitled to restitution therefor, but before any base mentioned in any certificate of indemnity or scrip is treated as invalid by the surveyor general he shall notify the owner thereof by registered letter addressed to such owner, at his address as designated on his application, of any adverse action on the part of the United States land department, and such owner shall have a right to remedy such defect, if possible, within a reasonable time, so that the same may be acceptable to the United States land department.

Lost scrip.

If any certificate of indemnity or scrip has been lost or destroyed the owner thereof may, upon filing an affidavit with the register of the state land office showing the facts constituting such loss or destruction, have issued to him a duplicate thereof, across the face of which shall be marked in red ink the word "duplicate," and which shall have the same force and effect as the original.

No person shall be considered as having made an entry of state lands under the provision of this article until the lands have been listed to the state.

Payments
on
surrender
of scrip.

Whenever in accordance with the provisions of this article any person shall have the right to recover from the State of California any sum of money paid by him for a certificate of indemnity or scrip, he shall surrender the same to the surveyor general who shall thereupon cancel the same and issue to him a certificate showing the amount paid and the class of land upon which the payment was made, and upon the surrender of such certificate to the controller of state he must draw his warrant in favor of the person surrendering the same for the amount therein specified, upon the treasurer of state, who must pay the same out of the fund into which the purchase money was paid.

School
lands.

All the provisions of the laws of this state governing the sale and disposition of state school land, where not in conflict with the provisions hereof, shall apply equally to lands purchased upon the surrender of certificates of indemnity or scrip.

All moneys received by the surveyor general under the provisions hereof shall be disposed of by him in the same manner as other moneys received from the sale of state school lands. Disposition of moneys.

SEC. 10. A new section is hereby added to the Political Code to be known as section 3408e and to read as follows:

3408e. It shall be unlawful for any person, in any manner or by any means whatever, either before or at the time of the public sale herein provided for, to bargain, contract or agree, or attempt to bargain, contract or agree with any other person, that the last-named person shall not bid or purchase at said public sale herein mentioned, or by intimidation, combination or other unfair means hinder or prevent, or attempt to hinder or prevent any person from bidding at said sale, or enter into any agreement or secret understanding for the purpose of preventing any person from bidding or purchasing at said sale, or attempting to prevent or hinder the said sale in any manner or entering into any agreement, or secret understanding that the person bidding at said sale shall thereafter convey or dispose of any lands to any other person. Any person or persons violating the provisions hereof shall be punished by imprisonment in the county jail or state prison for a period of not less than one year nor more than five years, or by a fine of not exceeding one thousand dollars, or by both such fine and imprisonment. Agreement not to bid or purchase.

SEC. 11. All acts and parts of acts in conflict with this act are hereby repealed. Penalty.

SEC. 12. This act shall take effect immediately from and after its passage.

CHAPTER 399.

An act to amend section four hundred fifty-six of the Political Code, relating to the office of the treasurer of state, his deputy and assistants and the salaries of the deputy and assistants.

[Approved March 24, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four hundred fifty-six of the Political Code is hereby amended so as to read as follows:

456. The state treasurer may appoint one deputy state treasurer, one bookkeeper, one assistant bookkeeper and one stenographer; all of whom shall be civil executive officers. The annual salary of the deputy state treasurer is two thousand seven hundred dollars; of the bookkeeper two thousand four hundred dollars; of the assistant bookkeeper two thousand dollars and of the stenographer one thousand two hundred dollars. All such salaries shall be paid in the same manner and at the same time as the salaries of other state officers. Assistants to state treasurer, and salaries.

SEC. 2. This act shall take effect from and after its passage.

CHAPTER 400.

An act making an appropriation for the pay of the officers and clerks of the assembly for the thirty-eighth session of the legislature.

[Approved March 24, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.

Pay of officers of assembly.

SECTION 1. The sum of two thousand five hundred dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the pay of the officers and clerks of the assembly for the thirty-eighth session of the legislature; and the controller of the state is authorized to draw his warrants for the same, and the treasurer of the state is directed to pay the same.

SEC. 2. This act shall take effect immediately.

CHAPTER 401.

An act to add a new section to the Political Code of the State of California, to be numbered four hundred and twenty-six, relating to gardeners for state capitol grounds.

[Approved March 24, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code of the State of California, to be known as section 426, which shall read as follows:

Gardeners, capitol grounds, and salaries.

426. The board of capitol commissioners shall appoint one head gardener at a salary of sixteen hundred and eighty dollars per annum, and twelve assistant gardeners at a salary of twelve hundred dollars per annum each, for the state capitol grounds, which salaries shall be payable in the same manner as the salaries of other state officers.

SEC. 2. All acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

CHAPTER 402.

An act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as section 415a, relating to the office of the secretary of state.

[Approved March 24, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section to be known and numbered as section 415a is hereby added to the Political Code, to read as follows:

415a. The secretary of state, to assist him in the discharge of the duties of his office, may appoint in lieu of and in place and stead of the assistant bookkeeper provided for by section 415 of the Political Code, one corporation secretary whose duty under the direction of the secretary of state, shall be to examine all corporation papers submitted for filing, to pass upon the sufficiency thereof, and if the same do not comply with the provisions of the laws relating to and governing corporations, to reject the same and return the same for correction. He shall file no papers relating to corporations unless the same conform to the laws relating thereto. It shall be his duty to compel all corporations, foreign or domestic, to file with the secretary of state all papers required by law. The salary of the corporation secretary shall be two thousand eight hundred dollars (\$2,800) per annum, and shall be payable in the same manner and at the same time as other state officers.

Corporation
secretary.

Duty.

Salary.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER 403.

An act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipality.

[Approved March 24, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. In all cases where the legislative branch of any municipality in the State of California, organized under an act of the legislature of said state, entitled: "An act to provide for the organization, incorporation and government of municipal corporations," approved the 13th day of March, 1883, has deemed it necessary to incur any indebtedness in excess of the money in the treasury, applicable to the purpose

Legalizing
certain
municipal
bond
issues.

Legalizing
certain
municipal
bond
issues.

for which said indebtedness is to be incurred, and has called a special election of the qualified electors of such municipality to determine whether such indebtedness as specified in the resolution or ordinance calling such election shall be incurred, and where, at such election, not less than two thirds of all the qualified electors voting at such election shall have voted in favor of incurring such indebtedness, and such legislative branch of such municipality shall have passed an ordinance providing for the mode of creating such indebtedness and of paying the same, and the mode of creating such indebtedness has been by the proposed issuance of the bonds of such municipality all the proceedings of such municipality leading up to and including the issuance and the proposed issuance of such bonds are hereby validated, legalized, ratified, confirmed and declared valid to all intents and purposes; and all such bonds, sold after the passage of this act for not less than their par value are hereby legalized and declared to be legal and valid obligations of and against such municipality so issuing and selling the same, and the faith and credit of such municipality is hereby pledged for the prompt payment and redemption of the principal of such bonds and the coupons thereto attached; *provided* this act shall not operate to legalize any bonds of any municipality already sold or any bonds that have not, at the time of the passage of this act, been authorized by not less than two thirds of the qualified electors of such municipality voting at any such election.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 404.

An act to add a new section to the Political Code of California to be numbered 1622a, relating to apportionment of school funds.

[Approved March 24, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code of California to be numbered 1622a to read as follows:

Pay of
salaries
and school
expenses.

1622a. If the apportionment of the moneys mentioned in section 1622 of this code be at any time insufficient to pay the salaries of the teachers or the expenses connected with the care and maintenance of and supplies for the school buildings, then boards of school trustees and city boards of education may use so much of the surplus in the county fund of the district, or so much of the surplus in any building fund of the district, created before the passage of this act, as may be necessary to meet such deficiency; *provided*, that nothing in this act shall be construed as lessening the amount set aside by section 1622 for teachers' salaries.

CHAPTER 405.

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.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The words and phrases in this act shall, unless such construction be inconsistent with the context, be construed as follows:

Primary elections, construction of phrases.

1. The words "primary election," any and every primary nominating election provided for by this act.

2. The words "August primary election," the primary election held in August to nominate candidates to be voted for at the ensuing November election.

3. The word "election," a general or city or city and county election as distinguished from a primary election.

4. The words "November election," the presidential election, the general state election, county, city or city and county election held in November.

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 provisions of law in respect to either the giving of any notice or the conducting of the primary election or certifying the results thereof.

SEC. 2. All candidates for elective public offices shall be nominated as follows:

1. By direct vote at primary elections held in accordance with the provisions of this act; or,

By nominating petitions signed and filed as provided by existing laws. Party candidates for the office of United States senator shall have their names placed on the official primary election ballots of their respective parties in the manner herein provided for state officers; *provided, however*, that the vote for candidates for United States senators shall be an advisory vote for the purpose of ascertaining the sentiment of the voters in the respective senatorial and assembly districts in the respective parties; *provided further* that members of the legislature shall be at liberty to vote either for the choice of their respective districts expressed at said primary election, or for the candidate for United States senator who shall have received the endorsement of their party at such primary election in the greatest number of districts electing members of such party to the legislature.

Candidates, how nominated.

This act shall not apply to special elections to fill vacancies; nor to the nomination of officers of municipalities, whose charters provide a system for nominating candidates for such offices; nor to the nomination of officers for any district

Vacancies.

organization not formed for municipal purposes, nor to school trustees in cities of the sixth class; nor to school district officers, other than those elected in a district of which an incorporated city or city and county or part of an incorporated city or city and county constitutes the whole or a part of such school district.

When primary election shall be held.

SEC. 3. The August primary election shall be held at the legally designated polling places in each precinct on the third Tuesday in August for the nomination of all candidates to be voted for at the ensuing November election.

Any primary election other than the August primary election shall be held on Tuesday, three weeks next preceding the election for which such primary election is held.

Notice of election.

SEC. 4. 1. At least sixty days before the time for holding such August primary election in 1910, and biennially thereafter, the secretary of state shall prepare and transmit to each county clerk and to the registrar of voters in any city and county a notice in writing designating the offices for which candidates are to be nominated at such primary election.

Publication of notice.

2. Within ten days after receipt of such notice such county clerk or registrar of voters in any city and county shall publish so much thereof as may be applicable to his county, once in each week for six successive weeks in not more than two newspapers published in such county or city and county.

A primaries.

3. In the case of August primary elections for the nomination of candidates for city or city and county officers to be voted for at the November election in the odd numbered years, the city clerk or secretary of the legislative body in any such city or the registrar of voters in any such city and county shall cause the publication of notice of such primary election, together with a complete statement of the offices for which candidates are to be nominated, once in each week for four successive weeks in not more than two newspapers of general circulation published in such city or city and county, the last publication to be made not more than forty and not less than fourteen days before such primary election.

Other primaries.

4. In the case of primary elections other than the August primary elections the city clerk or secretary of the legislative body of the political subdivision for which such primary election shall be held shall cause one publication of such notice to be given, such publication to be not more than forty and not less than fourteen days before such primary election.

Nomination paper, form of.

SEC. 5. 1. The name of no candidate shall be printed on an official ballot to be used at any primary election unless at least thirty days prior to the primary election, if the candidate is to be voted for at the August 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 August primary election, a nomination paper shall have been filed in his behalf as hereinafter provided by this act, in substantially the following form:

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 and 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 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...., and I further declare that I intend to support for such nomination the candidate named herein.

Signed

Residence

Subscribed and sworn to before me this day of , 19....

2. All nomination papers shall be substantially in the above form and 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.

Must be verified.

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:

STATE OF CALIFORNIA, }
County of..... } ss.

I,, depose and say: I am a qualified elector of the county of and of the (here insert the name of city, town or precinct) that I have been designated as a special verification deputy by, who desires to be the 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 for 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 verification.

.....
(signature)

.....
(verification)

Such verification deputies shall have all the powers and be subject to all the penalties provided by section 1188 of the Political Code.

Duty of
signer.

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.

Nomina-
tion papers
to be
bound.

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 original 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.

Duty of
county
clerk to
examine
papers.

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 the great register in his office. For the purpose of such examination and comparison of affidavits, the duplicate affidavits of registration on file in the office of such county clerk or registrar of voters shall be deemed part of the great register. 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 great register. All nomination papers pertaining to state senators and assemblymen and to the nomination of candidates to be voted for in more than one county shall with such certificate attached be forwarded, within ten days after such paper or papers are left with any county clerk or registrar of voters for examination, to the secretary of state, who shall receive and file the same.

Affidavit
required of
candidate.

The verification of signatures to nomination papers shall not be made by the candidate, but 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 affiliated with said party at the last preceding general election, and either that he did not vote thereat or voted for a majority of the candidates of said party at said next preceding general election, and intends to so vote at the ensuing 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.

5. Such nomination papers shall be signed as follows:

(a) If for a state officer or for United States senator, by at least one per centum of the voters of the party of such candidate, in each of at least ten counties in the state, and in the aggregate not less than one per centum nor more than ten per centum of the total vote of his party in the state.

Nomina-
tion papers
shall be
signed,
how.

(b) If for a representative in congress, or for any officer voted for in a district comprising more than two counties and less than the entire state, by at least two per centum of the voters of his party in at least one tenth of the election precincts in each of at least one half of the counties comprising such district, and in the aggregate not less than two per centum nor more than ten per centum of the total vote of his party in such district.

(c) If for a representative in congress or other officer to be voted for in a district comprising two counties, by at least two per centum of the voters of his party in at least one sixth of the election precincts of each county comprising such district, and in the aggregate not less than two per centum nor more than ten per centum of the total vote of his party in such district.

(d) If for any officer voted for entirely within one city, county, or city and county or any political subdivision constituting a part of such county, city and county or city, by at least three per centum of the party vote in at least one fourth of all the election precincts within the district in which the officer is to be voted for, and in the aggregate not less than three per centum nor more than ten per centum of the total vote of the party in such district.

The basis of percentage in each case shall be the vote of the party for its candidate for presidential elector receiving the greatest number of votes at the last preceding presidential election. But any other political organization which had no candidate for presidential elector at such presidential election but which at such presidential election or at the last general state election was represented on the official ballot by either regular party candidates or by individual nominees only may, upon complying with the provisions of this act, have a separate primary election ticket as a political party, if any of its candidates or individual nominees received three per centum of the total vote cast at such presidential or general state election in the state or political subdivision thereof in which the candidate seeks the nomination. In such case the basis of percentage shall be the vote of that party for its candidate who received the greatest number of votes at such last preceding presidential election or at such last preceding general state election, in the state or political subdivision thereof in which the candidate seeks the nomination.

Basis of
percent-
age.

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, but a candidate defeated

Independent
nomi-
nations.

at a primary election held under the provisions of this act shall be ineligible for nomination to the same office at the same election.

Papers,
how and
where
filed.

SEC. 6. All nomination papers provided for by this act shall be filed as follows:

1. For state officers, United States senators, representatives in congress and all officers voted for in districts comprising more than one county, in the office of the secretary of state.

2. For officers to be voted for wholly within one county or city and county, except representatives in congress, in the office of the county clerk of such county or in the office of the registrar of voters in such city and county.

3. For city officers, in the office of the city clerk or secretary of the legislative body of such city or municipality.

4. When nomination papers shall have been received which contain ten per centum of the total vote as limited by subdivision 5 of section 5 of this act, the officer with whom such papers are required to be filed shall not receive or file further nomination papers for the candidate named therein.

Filing fees.

SEC. 7. 1. A filing fee of fifty dollars shall be paid to the secretary of state when the nomination paper or papers and affidavit for any candidate for state office or the United States senate are filed with such secretary of state.

2. A filing fee of twenty-five dollars shall be paid to the secretary of state when the nomination paper or papers and affidavit of any 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 are filed with such secretary of state.

3. 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.

4. A filing fee of ten dollars shall be paid by the candidate for assembly or senate to the officer with whom his nomination papers are filed.

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 candidate for an office to the holder of which no compensation is required to be paid or for township offices.

Disposi-
tion of
fees.

SEC. 8. The county clerk shall immediately pay to the county treasurer and the registrar of voters in any city and county shall immediately pay to the city and county treasurer all fees received from candidates. The city clerk or secretary of the legislative body of any municipality shall immediately pay to the city treasurer all fees received from candidates.

Apportion-
ment of
fees.

Immediately after the last day for filing nomination papers the secretary of state shall pay to the state treasurer all fees

received from candidates and shall apportion the fees paid to him by each candidate equally among the counties within which such candidate is to be voted for and certify such apportionment to the state controller, who shall issue warrants on the state treasurer for the amount due each county and the state treasurer shall pay the same.

SEC. 9. The expense of providing all ballots, blanks and other supplies to be used at any primary election provided for by this act and all expenses necessarily incurred in the preparation for or the conduct of such primary election shall be paid out of the treasury of the city, city and county, county or state, as the case may be, in the same manner, with like effect and by the same officers as in the case of elections. Expenses of election.

SEC. 10. At least twenty-five days before any August primary election preceding a November 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. List to be sent to county clerks.

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 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. Publication of names of nominees.

SEC. 11. Every publication required by this act shall be made in not more than two newspapers of general circulation published in such county or city and county, and one of such newspapers shall represent the political party that cast at the last preceding general election the highest number of votes in such county or city and county, and one of such newspapers, if any, shall represent the party which cast the next highest number of votes at such election. In any case where the publication of the notices provided for by this act can not be made as hereinbefore provided it shall be made in any newspaper having a general circulation in the city or county in which the notice is required to be published. Publication, where required.

SEC. 12. 1. All voting at primary elections within the meaning of this act shall be by ballot. A separate official ballot for each political party shall be printed and provided for use at each voting precinct. 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 Ballots, duty of county clerk to provide.

to be used at any August primary election for the nomination of candidates to be voted for in such county or city and county at the ensuing November election. It shall be the duty of the city clerk or secretary of the legislative body of any municipality to provide such printed official ballots for any primary election other than the August primary election. 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.

Form of
ballot.

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 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.

Ballot,
what shall
be printed
on.

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. Following the party designation there shall be printed in heavy faced gothic type, not smaller than fourteen point, the official designation of the election precinct in the assembly district or ward of any municipality, as the case may be, and the date of the primary election. 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 in heavy faced gothic capital type, not smaller than eighteen point. The official designation of the election precinct, the assembly district or ward in any municipality, as the case may be and the date of primary election, shall be printed in heavy faced gothic type, not smaller than twelve point. The instructions to voters shall be printed in ten point gothic type.

Instruc-
tions to
voters.

4. At least three eighths of an inch below the voting precinct 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 the qualified elector or electors in the blank space or spaces provided therefor.

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 names of the candidates shall be grouped in alphabetical order according to surname and each group 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 nominated. Such designation of the office to be nominated for and of the number

Names,
how to be
printed on
ballot.

Form of
ballot,
names
to be
grouped.

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.

Shall be printed in what kind of type.

7. The names of the candidates shall be printed on the ballot, without indentation, in roman capital type not smaller than eight point, between light lines or rules three eighths of an inch apart. Under each group of names of candidates shall be printed as many blank spaces, defined by light lines or rules, three eighths of an inch apart, as there are to be candidates nominated for such office. To the right of the names of the candidates shall be printed a light line or rule so as to form a voting square three eighths of an inch square. Each group of names of candidates shall be separated from the succeeding group by one light and one heavy line or rule. Each series of groups shall be headed by the word "state," "congressional," "legislative," "county and township" or "municipal" or other proper general classification, as the case may be, printed in heavy faced gothic capital type, not smaller than twelve point. All official primary election ballots shall have printed on the back and immediately below the center thereof, in eighteen point gothic capital type, the words "Official Primary Election Ballot," and underneath these words the respective numbers of the congressional, senatorial and assembly districts in which each ballot is to be voted. In the case of a primary election for the nomination of candidates for city or city and county offices only, the designations on the back of the ballot, in addition to the words "Official Primary Election Ballot," shall be the official designation of the respective ward and voting precinct in any such city or municipality, or the number of the assembly district and of the voting precinct in any such city and county in which each ballot is to be voted.

Printing on back of ballot.

Blank spaces.

8. At the bottom of the last column on any official primary election ballot to be voted in August for the nomination of candidates to be voted for at the ensuing November election, there shall be left as many blank spaces defined by light lines or rules three eighths of an inch apart as there are delegates to be elected to the county convention of such party as shall have been previously apportioned by the county committee of such party and which shall be preceded by the words "delegates to county convention," "vote for one" or "vote for two," or more as the case may be, according to such apportionment. In which blank spaces the voter may write or paste the name or names of qualified electors of his party as delegates to the county convention of such party.

Stub.

The ballot shall be printed on the same leaf with a stub and separated therefrom by a perforated line across the top

OFFICIAL PRIMARY ELECTION BALLOT

REPUBLICAN PARTY

First Precinct, Twenty-Eighth Assembly District, September 4, 1908

To vote for a person whose name appears on the ballot, mark 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.

STATE				COUNTY			
Governor	Vote for One	Supt. of Public Instruction	Vote for One	Sheriff	Vote for One	For Coroner	Vote for One
HENRY BROWN		FRANK N. KENDALL		R. A. ALGER		W. P. DILLINGHAM	
JOHN DOE		ARTHUR ROBERTS		J. P. DOLLIVER		JAMES B. FRAZIER	
RICHARD ROE		CHARLES N. STOVER		CHESTER I. LONG		H. C. LODGE	
Lieutenant Governor	Vote for One	Supt. of State Printing	Vote for One	District Attorney	Vote for One	For Surveyor	Vote for One
THOMAS GREEN		ARTHUR N. DARE		E. J. BURKETT		JOSEPH BLACKBURN	
HORACE JONES		W. W. KIMBALL		A. B. KITTREDGE		CHAS. A. CULBERSON	
WILLIAM SMITH		CHARLES TAYLOR		JOHN T. MORGAN		JOHN F. DRYDEN	
						J. B. FORAKER	
Chief Justice Supreme Court	Vote for One	Judge of the District Court of Appeal, First District	Vote for One	County Clerk	Vote for One	JOHN H. FOSTER	
JOSEPH JENNINGS		ANTHONY BRENNAN		ASBURY C. LATTIMER		JOHN J. JENKINS	
THOMAS MERTON		PETER DREW		S. R. MALLORY		P. C. KNOX	
WALTER WILTER				JAMES B. McCREARY		R. M. NEVIN	
						R. W. PARKER	
Associate Justice Sup. Court	Vote for Two	Member State Board of Equalization, First District	Vote for One	Auditor	Vote for One	JOHN A. STERLING	
WILLIAM BREWER		WILLIAM ADAMS		J. F. ALLEE			
ERASTUS PECK		HARRY ALGER		CLARENCE D. CLARK			
SAMUEL SNOW				JOHN W. DANIEL		For Supervisor	Vote for Five
GEORGE TAWNEY		Railroad Commissioner, 2nd District	Vote for One	M. J. FOSTER		THOMAS M. BELL	
		HENRY JAMESON		THOMAS M. PATTERSON		W. H. FLACK	
		MATHEW MATTSON				J. W. FORDNEY	
						J. A. GOULDEN	
Secretary of State	Vote for One	Judge of the Superior Court	Vote for Four	Treasurer	Vote for One	WILLIAM S. GREENE	
ALBERT BERG		GEORGE BUNN		AUGUSTUS O. BACON		C. H. GROSVENOR	
PETER E. HANSON		WALTER CAMPBELL		JAMES H. BERRY		JAMES HOY	
WILLIAM TOURILLOTTE		CHARLES R. DAVIS		FRED T. DU BOIS		W. E. HUMPHREY	
		THOMAS McCALL				JOHN T. HUNT	
Controller	Vote for One	ERNEST W. ROBERTS		Assessor	Vote for One	JOSEPH T. JOHNSON	
SAMUEL ALDEN				E. G. NEWLANDS		H. L. MAYNARD	
WILLIAM DUNN				E. W. PETTUS		E. S. MINOR	
THOMAS THOMPSON				J. S. SPOONER		G. B. PATTERSON	
						THOMAS SPIGHT	
Treasurer	Vote for One	CONGRESSIONAL		Tax Collector	Vote for One	JAMES E. WATSON	
A. Y. CHILTON		United States Senator	Vote for One	E. W. CARMACK		CHAS. H. WEISSE	
SAMUEL JOHNSON		WALTER BROWNLOW		KNUTE NELSON			
HENRY SAMPSON		CASSIUS N. CLAY		REDFIELD PROCTOR			
		CHARLES N. HART					
Attorney General	Vote for One	Representative in Congress, 4th District	Vote for One	Recorder	Vote for One		
W. B. CURRAN		BASTICK BOYLAN		THOMAS H. CARTER			
THOMAS O'BRIEN		HENRY HUDSON		C. M. DE PEW			
GEORGE P. WILSON		PETER PETERSON		CHARLES W. FULTON		Justice of the Peace	Vote for Two
						PETER HEPBURN	
Surveyor General	Vote for One	LEGISLATIVE		Public Administrator	Vote for One	THOMAS SULLIVAN	
MICHAEL KERNAN		State Senator, 17th District	Vote for One	J. W. BAILEY		CLAUDE SWANSON	
JOHN P. WALKER		WILLIAM S. STOKES		JAMES P. CLARKE			
FRANK WHEATON		AMOS STRONG		H. M. TELLER			
						Delegates to County Convention	Vote for Four
Clerk of the Supreme Court	Vote for One	Member Assembly, 28th Dist.	Vote for One	County Supt. of Schools	Vote for One		
HENRY JAMES		ANDREW ANDERSON		CHARLES CARSON			
DARIUS REESE		GEORGE GAUGHEY		TIMOTHY HEALEY			
WALTER WILMOT		PETER PETERSON		J. W. REYNOLDS			

of the ballot. On each ballot a perforated line shall extend from top to bottom one half inch from the right hand side of such ballot, and upon the half-inch strip thus formed there shall be no printing except the number of the ballot which shall be on the back of each strip, in such position that it shall appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county, *provided* that the sequence of numbers on such official ballots and stubs for each party shall begin with the number one.

9. The official ballots of each political party shall be made up in blocks of one hundred ballots in the manner provided by law for official election ballots, and shall be printed in substantially the following form:

Form of
ballot (see
insert).

Sample ballots.

SEC. 13. At least twenty days before the August 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 alphabetically, according to surnames, 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, but such sample ballots need not be mailed to the voters.

Ballot to be published.

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. Such clerk or registrar of voters shall also cause such sample ballots to be published twice in not more than two newspapers of general circulation published in his county or city and county, and such publication shall be made not more than twenty days nor less than ten days before such primary election.

Official ballots, distribution of.

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 as provided by law, except that the number of party ballots to be furnished to each voting precinct shall be apportioned at the ratio of 150 such party ballots for each 100 voters of such party registered in such precinct.

Candidates for city offices.

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 publish 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; *provided*, that the lists of candidates shall be published at least ten days before such primary election and the official ballot printed at least four days before the day of holding such primary election.

Polls, opening and closing.

SEC. 14. The polls must be opened at six o'clock of the morning of the day of primary election and must be kept open until six o'clock in the afternoon of the same day. When the polls shall be closed; *provided, however*, that if at the hour of closing there are any voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient

time to enable them to vote. But no one who shall arrive at the polling place after six o'clock in the afternoon shall be entitled to vote, although the polls may be open when he arrives. No adjournment or intermission shall be taken except as provided in the case of elections.

SEC. 15. The officers for primary elections shall be the same as provided by law for general elections, and such officers shall receive the same compensation for their services at primary elections as provided by law for general elections.

Election officers.

It shall be the duty of the proper officers to furnish the original affidavits of registration, indexes and supplements thereto, for use at primary elections, which shall show the names of all voters entitled to vote at such primary elections. And all the provisions of section 1366 of the Political Code, so far as they are consistent with the provisions of this act, are hereby made applicable to primary elections within the meaning of this act.

Registers to be used.

SEC. 16. Any elector offering to vote at a primary election may be challenged by any elector of the city, city and county or county, upon either or all of the grounds specified in section 1230 of the Political Code, but his right to vote the primary election ticket of the political party designated in his affidavit of registration, as provided in section 1366a of the Political Code, shall not be challenged on any ground or subjected to any tests other than those provided by the constitution and section 1230 of the Political Code of this state.

Challenging of voters.

SEC. 17. Any elector who has, at least twenty days before the day of any primary election, qualified by registration and by declaration of the political party with which he intends to affiliate, as provided by section 1366a of the Political Code, shall be entitled to vote at such primary election, such right to vote being subject to challenge only as hereinbefore provided; and shall, on writing his name or having it written for him on the roster, as provided by law for general elections in this state, receive the official primary election ballot of the political party designated in his affidavit of registration, and no other.

Who entitled to vote.

He shall be instructed by a member of the board as to the proper method of marking and folding his ballot, and he shall then retire to an unoccupied booth and without undue delay stamp the same with the rubber stamp there found. If he shall spoil or deface the ballot he shall at once return the same to the ballot clerk and receive another.

Instructions as to marking ballot.

SEC. 18. The voter shall designate his choice on the ballot by stamping a cross (X) in the small square opposite the name of each candidate for whom he wishes to vote. If he shall stamp more names than there are candidates to be nominated for any office, or if for any reason it be impossible to determine his choice for any office, his ballot shall not be counted for such office, but the rest of his ballot, if properly stamped, shall be counted. No ballot shall be rejected for any technical error which does not render it impossible to determine the

How choice of voter shall be designated.

voter's choice, nor even though such ballot be somewhat soiled or defaced.

Ballot must be folded.

SEC. 19. When a voter has stamped his ballot he shall fold it so that its face shall be concealed and only the printed designation on the back thereof shall be visible, and hand the same to the member of the board in charge of the ballot box. Such folded ballot shall be voted as ballots are voted at general elections and the name of the voter checked upon the register as having voted.

Polls can not temporarily close.

SEC. 20. No adjournment or intermission whatever shall take place until the polls shall be closed and until all the votes cast at such polls shall be counted and the result publicly announced, but this shall not be deemed to prevent any temporary recess while taking meals or for the purpose of other necessary delay; *provided*, that no more than one member of the board shall at any time be absent from the polling place.

Canvass of votes, manner of.

SEC. 21. As soon as the polls are finally closed the judges must immediately proceed to canvass the votes cast at such primary election. The canvass must be public, in the presence of bystanders, and must be continued without adjournment until completed and the result thereof declared. Except as hereinafter provided, the canvass shall be conducted, completed and returned as provided by sections 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267 and 1268 of the Political Code of this state.

The number of ballots agreeing or being made to agree with the number of names on the lists, as provided by section 1255 of the Political Code, the board must take the ballots from the box, count those cast by each party, and string them separately; count all the votes cast for each party candidate for the several offices and record the same on separate tally lists for each party.

Returns, canvass of by supervisors.

SEC. 22. The board of supervisors of each county, the board of election commissioners in any city and county, or, in the case of a city or municipal primary election, the officers charged by law with the duty of canvassing the vote at any city or municipal election in such political subdivision, shall meet at the usual place at ten o'clock in the forenoon of the first Thursday after each primary election to canvass the returns.

If at the time of meeting the returns from each precinct in the county, city and county or other political subdivision 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 board may adjourn to one o'clock in the afternoon of the following Monday, when the canvass shall begin and be continued until completed, which shall not be later than six o'clock in the afternoon of the sixteenth day following such primary election.

Declaration of result.

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 one complete copy of all returns as to such candidates, and as to all candidates for the state assembly, state senate, representatives in congress and judicial offices, except justices of the peace.

Duplicate statement to secretary of state.

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 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 shall make out and file in his office a statement thereof.

Secretary of state to compile returns.

SEC. 23. 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. 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.

Who shall be declared candidates.

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.

Certificates of nomination.

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 and officers voted for in more than one county.

Certificate
by
secretary
of state.

Not less than twenty-five 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 and the designation of the public office for which he is so nominated.

It shall also be the duty of the secretary of state to compile the returns for United States senator in congress, if any, and prepare a statement thereof, showing the vote cast for said candidate of each party in each assembly and senatorial district. A duplicate of such statement in so far as it shall be applicable to such party shall be transmitted to the state chairman of each political party. And it shall be the duty of the secretary of state to transmit duplicates of said statements to the speaker of the assembly and the president of the senate on the first day of the next ensuing session of the legislature.

Party con-
ventions.

SEC. 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.

State con-
vention,
how called.

2. A state convention shall be called in the manner following: The state central committee of any political party shall at least fifty days prior to the August primary election file a written petition signed by the chairman and secretary thereof with the secretary of state, and mail a copy thereof to the chairman and secretary of each county central committee of said party in the state, which petition shall set forth the date and place of holding the state convention of said political party, and the number of delegates entitled to seats therein, also the number of delegates apportioned to each county, together with a brief statement of the purposes for which said convention shall be assembled. All delegates to state conventions shall be elected by county conventions, as provided in subdivision three of this section.

In years when candidates for president and vice-president of the United States are to be nominated, the state central committee of any political party shall issue a call for a state convention to be held in the month of May, for the purpose of electing delegates to the national convention to nominate candidates for president and vice-president of the United States. Said call shall be filed with the secretary of state at least fifty

days before the date fixed for said state convention, and a copy thereof, signed by the chairman and secretary of the state central committee, shall be mailed to the chairman and secretary of each county committee of their respective parties within the state. The call for said convention shall fix the time and place for holding said state convention, together with a statement of the number of delegates entitled to seats therein, and the number of delegates apportioned to each county. The chairman and secretary of each county committee shall, within ten days after receipt of a copy of the call for the May state convention issued by the state central committee, issue a call for the assembling of a county convention, which county convention shall be composed of the delegates elected to the county convention at the last preceding August primary election. Such call shall be filed with the county clerk and a copy thereof mailed to each delegate within such county. The call issued by the county committee shall set forth the time and place for holding such county convention and the purposes of such convention, together with a statement of the number of delegates to the state convention to be chosen by said county convention.

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 August 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 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 election of as many delegates to the state convention as shall have been apportioned by the call of the state central committee to such county, and shall also provide for the selection of a county central committee, which shall have control and management of the party campaign. In any county the county committee shall be selected by the county convention.

County
conven-
tion, how
called.

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

City con-
ventions,
how called.

for county conventions. In any city and county the county committee shall be selected by the county convention.

Conventions,
when may
be held.

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, and the state convention not later than four weeks after the August election.

Assembly
district
com-
mittee.

Each party candidate nominated for the state assembly may, not later than Tuesday two weeks after the primary election, appoint an assembly district committee, which committee shall consist of not less than one member from each voting precinct in such assembly district. Such committee, if any, shall serve for the term of two years.

Senatorial
district
com-
mittee.

Each party candidate nominated for the state senate may, not later than Tuesday two weeks after the primary election, appoint a state senatorial district committee, which committee shall consist of not less than seven members from each assembly district in such state senatorial district. Such committee, if any, shall serve for the term of four years.

Congres-
sional
district
com-
mittee.

Each party candidate nominated for representative in congress may, not later than Tuesday three weeks after the primary election, appoint a congressional district committee, which committee shall consist of not less than one nor more than three members from each assembly district in such congressional district. Such committee, if any, shall serve for the term of two years.

State
central
com-
mittees.

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.

Vacancies,
how filled.

SEC. 25. Vacancies occurring after the holding of any primary election shall be filled by the party committee of the city, county, city and county, district or state, as the case may be.

Tie votes,
how deter-
mined.

SEC. 26. In case of a tie vote, if for an office to be voted for wholly within one county or city and county, the county, city and county or city board, as the case may be, shall forthwith summon the candidates who have received such tie votes to appear before such board, and such board in the presence of such candidates shall determine the tie by lot. In the case of a tie vote for an office to be voted for in more than one county, such tie shall be determined by lot by the secretary of state in the presence of the candidates or their legally appointed representatives.

SEC. 27. Whenever it shall be made to appear by affidavit to the supreme court, or district courts of appeal or superior court of the proper county that an error or omission has occurred or is about to occur in the placing of any name on an official primary election ballot, that any error has been or is about to be committed in printing such ballot, or that any wrongful act has been or is about to be done by any judge or clerk of a primary election, county clerk, registrar of voters in any city and county, canvassing board or any member thereof, or other person charged with any duty concerning the primary election, or that any neglect of duty has occurred or is about to occur, such court shall order the officer or person charged with such error, wrong or neglect to forthwith correct the error, desist from the wrongful act or perform the duty, or forthwith show cause why he should not do so. Any person who shall fail to obey the order of such court shall be cited forthwith to show cause why he shall not be adjudged in contempt of court.

Errors in placing names on ballot, how corrected.

SEC. 28. Any candidate at a primary election desiring to contest the nomination of another candidate for the same office may proceed by affidavit within five days after the completion of the canvass, as provided in section 27 of this act. And the contestee shall be required by the order of such court to appear and abide the further order of the court.

Contests.

SEC. 29. No candidate for nomination to any elective office, including that of United States senator in congress, shall directly or indirectly pay, expend or contribute any money or other valuable thing, or promise so to do, except for legal expenses as the same are hereinafter defined and limited:

Expenses of candidates for nomination, what are permitted.

1. For the candidate's official filing fee.
2. For the circulating and verifying of nomination papers.
3. For the candidate's personal traveling expenses.
4. For rent and necessary furnishing of halls or rooms, during such candidacy, for public meetings or for committee headquarters.
5. For payment of speakers and musicians at public meetings and their necessary traveling expenses.
6. For printing and distribution of pamphlets, circulars, newspapers, cards, handbills, posters and announcements relative to candidates or political issues or principles.
7. For his share of the reasonable compensation of challengers at the polls.
8. For making canvasses of voters.
9. For clerk hire.
10. For conveying infirm or disabled voters to and from the polls.

SEC. 30. No candidate for nomination to any elective office, including that of United States senator in congress, shall, directly or indirectly, pay or expend in the aggregate, or promise, agree or offer to pay, contribute or expend, for legal expenses as enumerated in section 29, any money or other valuable thing, in order to secure, or aid in securing, his nomina-

Amount of money candidate may expend.

tion, in excess of a sum determined as follows: When the total vote within the same constituency at the last preceding general election did not exceed five thousand, two hundred and fifty dollars; for each one hundred voters over five thousand and under twenty-five thousand, two dollars; for each one hundred voters over twenty-five thousand and under fifty thousand, one dollar; and for each one hundred voters over fifty thousand, fifty cents.

Statement
of
expenses.

SEC. 31. Every person who shall be a candidate for nomination to any elective office, including that of United States senator in congress, shall make in duplicate, within twenty-eight days after the primary election, a verified statement, setting forth each and every sum of money contributed, disbursed, expended or promised by him, and, to the best of his knowledge and belief, by any and every other person or association of persons in his behalf wholly or partly in endeavoring to secure his nomination; that the affiant has used all reasonable diligence in preparing to make such statement and that the same is as full and explicit as he is able to make it. And within the time aforesaid he shall file one copy thereof with the officer authorized to issue the certificate of nomination and the other with the recorder of the county or city and county in which he resides. No officer shall issue any certificate of nomination to any person until such statement has been filed by him.

Bribes to
voters.

SEC. 32. Any person who shall offer, or with knowledge of the same permit any person to offer for his benefit, any bribe to a voter to induce such voter to sign any nomination paper, and any person who shall accept such bribe or any promise of gain of any kind in the nature of a bribe as consideration for signing any nomination paper, whether such bribe or promise of gain in the nature of a bribe be offered or accepted before or after signing, shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than one hundred and twenty days, or by both such fine and imprisonment.

Suppression
of
nomination
papers.

2. Any person who, being in possession of any nomination paper or papers and affidavits entitled to be filed under the provisions of this act, shall wrongfully either suppress, neglect or fail to cause the same to be filed at the proper time and in the proper place shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Offenses,
what are.

3. Any act or omission declared to be an offense by the general laws of this state concerning primaries and elections shall also in like case be an offense concerning primary elections as provided for by this act, and shall be punished in the same manner and form as therein provided, and all the penal-

ties and provisions of the law governing elections, except as herein otherwise provided, shall apply in equal force to primary elections as provided for by this act.

SEC. 33. It shall be the duty of the secretary of state and the attorney general to prepare on or before August 1, 1909, all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all primary elections held in pursuance hereof. Preparation
of forms.

SEC. 34. All acts or parts of acts inconsistent with or in conflict with the provisions of this act are hereby repealed.

SEC. 35. This act shall take effect and be in force from and after June 1, 1909.

CHAPTER 406.

An act to authorize and direct the board of state harbor commissioners to institute condemnation proceedings against certain property north of India basin, and extending to Islais creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an act entitled "An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people."

[Approved March 24, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of acquiring additional areas for the construction of docks, wharves, slips and piers, and increasing the harbor facilities on the water front of the city and county of San Francisco, the board of state harbor commissioners is hereby authorized and directed to institute condemnation proceedings in the superior court of the city and county of San Francisco, against all parties in interest, and all parties claiming any right, title or interest in or to all of that certain tract of land in the city and county of San Francisco, State of California, particularly described as follows:

Commencing at the intersection of the water front line of September 12th, 1877, with the southerly line of Islais street, and extending southeasterly along the said water front line to Description
of
lands.

its intersection with the northerly line of India street; thence westerly along said northerly line of India street to its intersection with the southwesterly line of First avenue south; thence northwesterly along said southwesterly line of First avenue south, to its intersection with the easterly line of Kentucky street; thence northerly along said easterly line of Kentucky street to its intersection with the southerly line of Islais street; thence easterly along said line of Islais street to the point of beginning, and containing all the blocks and parts of blocks and streets, within the above described boundaries.

Jurisdiction of board.

SEC. 2. The jurisdiction of said board shall be and it is hereby extended so as to include all of the land described in section 1 of this act.

Judgments shall be paid from what moneys.

SEC. 3. The board of state harbor commissioners shall institute any action or actions and prosecute the same to final judgment, for the condemnation of all portions of the premises described in section 1, of this act, and the purposes herein mentioned are hereby declared to be a public use, in behalf of which the right of eminent domain shall be exercised by the board of state harbor commissioners for and in the name of the people of the State of California, for the estates and rights specified in and in the manner provided in part III, title VII, of the Code of Civil Procedure of the State of California; *provided* that any judgment under this act, or that certain act entitled, "An act to provide for the issuance and sale of state bonds, to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people," shall be paid from the proceeds of bonds issued and sold under the provisions of said last mentioned act.

Act to be submitted to the people.

SEC. 4. This act shall take effect from and after the ratification by the people of the State of California, of that certain act entitled "An act to provide for the issuance and sale of state bonds, to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people."

Board to prosecute actions diligently.

SEC. 5. Said board of state harbor commissioners shall, without delay, after the ratification of said last mentioned act, cause to be made an examination of the title to the land and every part of the land described in section 1 of this act, and shall commence, and prosecute to final judgment, with

diligence and dispatch, any and all necessary actions for the condemnation of all portions of said premises described in section 1 of this act.

SEC. 6. All acts and parts of acts, in conflict with the provisions of this act, are hereby repealed.

CHAPTER 407.

An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people.

[Approved March 24, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness authorized to be incurred by the board of state harbor commissioners for the acquisition of the necessary area for a tidal basin, extending the area of India basin, on the water front of the city and county of San Francisco, as provided in an act entitled: "An act to authorize and direct the board of state harbor commissioners to institute condemnation proceedings against certain property north of India basin, and extending to Islais creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an act entitled 'An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people,'" the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare one thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole

Provision
for fund
for extend-
ing area of
India
basin.

Bonds.

issue of said bonds shall not exceed the sum of one million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the time of the sale thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date the second day of January, A. D. 1911, and shall be made payable on the second day of January, A. D. 1985. The interest accruing on such of said bonds as are sold, shall be due and payable at the office of the state treasurer, on the second day of January, and on the second day of July, of each year after the sale of the same; *provided* that the first payment of interest shall be made on the second day of January, A. D. 1912, on so many of said bonds as may have been theretofore sold. At the expiration of seventy-four years from the date of said bonds, all bonds sold shall cease to bear interest, and likewise all bonds redeemed by lot shall cease to bear interest, as in this act provided, and the said state treasurer shall call in, forthwith pay and cancel the same, out of moneys in the "India basin sinking fund," provided for in this act, and he shall on the first Monday of January, A. D. 1985, also cancel and destroy all bonds not theretofore sold. All bonds issued shall be signed by the governor, and countersigned by the controller, and shall be endorsed by the state treasurer, and each shall have the seal of the state stamped thereon. Each bond shall contain a clause that it is subject to redemption by lot after the year nineteen hundred and thirty-nine.

When payable.

Interest ceases, when.

Redemption clause.

Interest coupons.

SEC. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to or mutilation of the bond. Said coupons shall be consecutively numbered, and shall be signed by the state treasurer. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds, and the issue and sale thereof to a purchaser.

Appropriation for preparation of bonds.

SEC. 3. The sum of one thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the "San Francisco harbor improvement fund," on controller's warrants, duly drawn for that purpose.

Shall be sold at public auction.

SEC. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be sold by the state treasurer at public auction to the highest bidder for cash, in such parcels and numbers as said state treasurer shall determine; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered for sale, and he may by public announcement at the place and time fixed for the sale, for good and sufficient cause, continue such sale as to the whole of the bonds offered or any part thereof offered, to such time and place as he may select, not exceeding, however, sixty days. Due notice of the time and place of sale of all bonds, and of the postponement

Publication of notice of sale.

of sale thereof, must be given by said treasurer by publication in two newspapers published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland, and by publication in one newspaper published in the city of Los Angeles, and by publication in one newspaper published in the city of Sacramento, once a week during four weeks prior to such sale. The costs of such publication shall be paid out of the "San Francisco harbor improvement fund" on controller's warrants, duly drawn for that purpose. The proceeds of the sale of such bonds shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund to be known and designated as the "India basin fund," and must be used exclusively for the acquisition of the area described in the act referred to in section 1 hereof. Drafts and warrants upon said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the "San Francisco harbor improvement fund."

Disposition of proceeds of sale.

SEC. 5. For the payment of the principal and interest of said bonds a sinking fund to be known and designated as the "India basin sinking fund" shall be, and the same is hereby created as follows, to wit: The state treasurer shall, on the first day of each and every month, after the second day of December, A. D. 1928, take from the "San Francisco harbor improvement fund," such sum as, multiplied by the time the bonds then sold and outstanding have to run, will equal the principal of the bonds sold and outstanding at the time said treasurer shall so take said sum from said "San Francisco harbor improvement fund," less the amount theretofore taken therefrom for said purpose; and he shall place the sum in the "India basin sinking fund," created by this act. Said state treasurer shall, on controller's warrants, duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, or of the State of California, or of the several counties or municipalities of the State of California, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must always keep on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold; and to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the "San Francisco harbor improvement fund," and pay into said "India basin sinking fund," an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding. The board of state harbor commissioners is hereby authorized and directed by the collection of dockage, tolls, rents, wharfage and cranage, to collect a sum of money sufficient for the purposes of this act, over and above the amount limited by section two thousand five hundred and twenty-six of the Political Code of the State of California. Between the first and tenth day of November,

Sinking fund.

Employment of sinking fund moneys.

Collection of dockage.

Redemption of bonds by lot.

Public notice.

Surplus in sinking fund, disposition of.

Reports to governor.

Interest payments.

in the year nineteen hundred and forty, and between the first and tenth day of November of each year thereafter, until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be, the amount in said sinking fund at that time, and shall thereupon and before the tenth day of December following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the city and county of San Francisco, and also in one newspaper published in the city of Oakland, and also in one newspaper published in the city of Los Angeles, and also in one newspaper published in the city of Sacramento, stating the number of bonds so drawn, and that the principal of said bonds shall be paid on presentation to the treasurer on or before the second day of January, following, and that from and after such last named date, all interest upon bonds thus drawn shall cease, and it shall be the duty of the treasurer as soon as said bonds so drawn by lot are surrendered to him and paid, to cancel the same, and the interest coupons thereon, and each year beginning with the year nineteen hundred and forty, the said treasurer shall, in the manner aforesaid, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund, and proceed in the manner hereinabove stated. After the payment of all said bonds, the surplus or balance remaining in said sinking fund, if any there be, shall forthwith be paid into the "San Francisco harbor improvement fund." At the time of the respective drawings by lot, as aforesaid, and also at the maturity of said state bonds, said treasurer shall sell the United States bonds, or other bonds, then in said sinking fund, at governing market rates, after advertising the sale thereof, in the manner hereinbefore provided for the sale of bonds hereby authorized to be issued, and shall use the proceeds for the payment of such bonds as may be drawn by lot, and at the maturity of said bonds outstanding shall pay and redeem said matured outstanding bonds, out of said money in said fund, in extinguishment of said bonds, on controller's warrants, duly drawn for that purpose.

SEC. 6. The state controller and the state treasurer shall keep full and particular account and record of all of their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

SEC. 7. It shall be the duty of the state treasurer to pay the interest of said bonds when the same falls due, out of the sinking fund provided for in this act, on controller's warrants duly drawn for that purpose.

SEC. 8. This act, if adopted by the people, shall take effect on the thirty-first day of December, A. D. nineteen hundred and ten, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

When act
to take
effect.

SEC. 9. This act shall be submitted to the people of the State of California, for their ratification at the next general election to be holden in the month of November, A. D. nineteen hundred and ten, and all ballots at said election shall have printed thereon the words "For the India Basin Act," and in the same square, under said words, the following in brevier type: "This act provides for the acquisition of a tidal basin in the bay of San Francisco for harbor purposes, and for the payment of all costs thereof, out of the 'San Francisco harbor improvement fund.'" In the square immediately below the square containing said words, there shall be printed on said ballot the words "Against the India Basin Act," and immediately below said words "Against the India Basin Act," in brevier type, shall be printed: "This act provides for the acquisition of a tidal basin in the bay of San Francisco, for harbor purposes, and for the payment of all costs thereof, out of the 'San Francisco harbor improvement fund.'" Opposite the words "For the India Basin Act," and "Against the India Basin Act," there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the India Basin Act," and those voting against said act shall do so by placing a cross opposite the words "Against the India Basin Act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

To be sub-
mitted to
the people.

SEC. 10. The vote cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election, as aforesaid, then the same shall have effect as hereinabove provided, and shall be ir repealable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast, as aforesaid, are against this act, then the same shall be and become void.

Return
and
canvass of
votes.

SEC. 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, A. D. nineteen hundred and ten; the costs of publication shall be paid out of the general fund, on controller's warrants, duly drawn for that purpose.

Secretary
of state to
publish
act.

Name of
act.

SEC. 12. This act shall be known and cited as the "India Basin Act."

SEC. 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 408.

An act to provide for the building, equipping and furnishing of an armory to be used for the national guard and national guard purposes, in the city of Los Angeles, and to make an appropriation for the same.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation to build armory.

SECTION 1. The sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the adjutant general of the State of California, ex officio quartermaster general, to be by him expended as follows: For building, equipping and furnishing an armory, to be used for the national guard of the State of California and national guard purposes, in the city of Los Angeles.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrants in favor of said adjutant general of the State of California, ex officio quartermaster general, for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 409.

An act to amend section 1115 of the Code of Civil Procedure, relative to contesting certain elections.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one thousand one hundred and fifteen of the Code of Civil Procedure is hereby amended to read as follows:

1115. When an elector contests the right of any person declared elected to such office he must file with the county clerk a written statement setting forth specifically:

Proceedings on election contest.

1. The name of the party contesting such election and that he is an elector of the district, county or township, as the case may be, in which such election was held.

2. The name of the person whose right to the office is contested.

3. The office.

4. The particular grounds of such contest.

Such statement must be verified by the contesting party as provided by section four hundred and forty-six of this code, and must be filed within thirty days after the declaration of the result of the election by the body canvassing the returns thereof, except in cases where the contest is brought on any of the grounds mentioned in subdivision three of section one thousand one hundred and eleven, when it must be brought within six months after the declaration of the result of the election by the body canvassing the returns thereof.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 410.

An act to aid in the carrying out of the provisions of an act entitled, "An act to provide for the gathering, compiling, printing and distribution of statistics and information regarding the Japanese of the state, and making an appropriation therefor," making it the duty of certain officers to keep certain records and furnish such statistics and information.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. It is hereby declared to be the duty of all officers of this state and all officers of each respective county, city, or city and county, in addition to their other duties, to keep such records as shall be required under the provisions of an act entitled, "An act to provide for the gathering, compiling, printing and distribution of statistics and information regarding the Japanese of the state, and making an appropriation therefor," and to furnish to the commissioner of the bureau of labor statistics, upon request, whatever data it may be necessary for said commissioner to acquire in complying with the provisions of said act.

Records required to be kept.

SEC. 2. This act shall take effect immediately.

CHAPTER 411.

An act to amend section 5 of an act which became a law February 25, 1901, entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," as amended by an act approved March 19, 1907.

[Approved March 25, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 5 of an act entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," which became a law February 25, 1901, as amended by an act approved March 19, 1907, is hereby amended to read as follows:

Municipal
bonds,
how
and when
payable.

Section 5. All municipal bonds issued under the provisions of this act shall be payable substantially in the following manner: A part to be determined by the legislative body of the municipality, which shall be not less than one fortieth part of the whole amount of such indebtedness, shall be paid each and every year on a day and date, and at a place within the United States, to be fixed by the legislative branch of the municipality issuing the bonds and designated in such bonds, together with the interest on all sums unpaid at such date; provided, however, that, in case of bonds issued for the acquisition, construction or completion of waterworks or light or power works or plants, or any other authorized revenue-producing public works, plant, utility or property, the legislative body of the municipality may, in its discretion determine and fix a date for the earliest maturity of the principal of such bonds not more than ten years from the date of the issue of such bonds, but, in this event, the whole amount of such indebtedness must be made payable in equal annual parts in not to exceed forty years from the time of contracting the same. The bonds shall be issued in such denominations as the legislative branch of the municipality may determine, except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars, and shall be payable on the day and at the place fixed in such bonds, and with interest at the rate specified in the bonds, which rate shall not be in excess of six per cent per annum, and shall be payable semiannually, and said bonds shall be signed by the executive of the municipality, or by such other officer thereof, as the council, board of trustees, or other legislative body of the municipality shall, by resolu-

Denomi-
nations of.

Rate of
interest.

tion adopted by a two-thirds vote of all its members, authorize and designate for that purpose; and also signed by the treasurer thereof, and shall be countersigned by the clerk. The coupons of said bonds shall be numbered consecutively and signed by the treasurer.

In case of any of such officers whose signatures or counter-signatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures or counter-signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until the delivery of the bonds.

SEC. 2. This act shall take effect immediately.

CHAPTER 412.

An act to add a new section to title sixteen, of part four, of division first of the Civil Code, to be numbered six hundred and forty-eight a, relating to the formation of building and loan associations.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to title sixteen, of part four, of division first of the Civil Code, to be numbered six hundred and forty-eight a and to read as follows:

648a. Building and loan associations may be formed under this title with or without guarantee or other capital stock, with all the rights, powers and privileges and subject to all the restrictions and liabilities set forth in this title. If formed without any capital stock or with guarantee capital stock only, the working capital may be accumulated by the issue of membership shares, units or certificates having a paid up or ultimate matured installment value of one hundred or two hundred dollars each, and entitled to all the rights, powers and privileges and subject to all the restrictions and liabilities provided in this title for shares of authorized capital stock of a similar class. Any building and loan association heretofore formed may reincorporate under the provisions of this section and may substitute membership shares, units or certificates of similar classes for its outstanding or authorized shares of capital stock, other than guarantee capital stock, by the unanimous vote of its board of directors and by a vote or written assent of the stockholders representing at least two thirds of the subscribed capital stock and by filing amended articles of incorporation with the county clerk of the county in which the corporation's principal place of business is located and a copy of said amended articles, certified by such county clerk, in the office of the secretary of state.

Formation
of building
and loan
associa-
tions.

Reincor-
poration of
existing
associa-
tions.

CHAPTER 413.

An act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair or operation of any public work, improvement, or utility.

[Approved March 25, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Sale of
liquors
near con-
struction
camps.

SECTION 1. It shall be unlawful for any person to sell, keep for sale, or give away, any spirituous, vinous, malt or mixed intoxicating liquors at any place situated more than one mile outside the limits of an incorporated city or town, and within four miles of any camp or assembly of men, numbering twenty-five or more, engaged upon, or in connection with, the construction, repair or operation of any public or quasi-public work, improvement or utility; *provided, however*, that nothing in this section contained shall be deemed to apply to the sale, keeping for sale, or disposal of any such liquor at a licensed saloon or liquor store which shall have been established, or at a licensed saloon or liquor store which shall be maintained, at the time this act takes effect, upon the same premises where a licensed saloon or liquor store shall have been established, at least six months prior to the establishment of such camp or assembly of men, or to the sale, keeping for sale, or disposal of any such liquors at any winery, licensed brewery or distillery, where the same is manufactured.

Misde-
meanor.

SEC. 2. Any person violating any of the provisions of this statute shall be guilty of a misdemeanor, and, for each offense, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

SEC. 3. This act shall take effect immediately.

CHAPTER 414.

An act making an appropriation to pay the claim of George H. P. Shaw against the State of California.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of \$600.00 is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of George H. P. Shaw against the State of California.

Appropriation.
Claim of
George
H. P. Shaw

SEC. 2. The state controller is hereby authorized and directed to draw his warrant on the state treasurer in favor of George H. P. Shaw for the sum of \$600.00, and the state treasurer is hereby authorized and directed to pay the same and this appropriation is hereby exempt from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This act shall take effect July 1st, 1909.

CHAPTER 415.

An act to amend section 4259 of the Political Code of the State of California relating to the salaries and fees of officers of counties of the thirtieth class, their deputies and assistants.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4259 of the Political Code is amended to read as follows:

4259. In counties of the thirtieth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, to wit:

Salaries in
counties of
thirtieth
class
(Ventura).

1. The county clerk, three thousand dollars per annum; *provided*, that in counties of this class the county clerk is hereby allowed in addition to his salary, each year when a new registration is required, the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and be paid from the general fund of the county.

2. The sheriff, five thousand seven hundred dollars per annum. Also, the following, to be audited and paid as other county charges: For every mile necessarily traveled in exe-

Salaries in
counties of
thirtieth
class
(Ventura).

cuting any warrant of arrest, twenty-five cents per mile; for taking prisoners to magistrate or jail, the actual cost of such transportation.

3. The recorder, three thousand dollars per annum.

4. The auditor, one thousand eight hundred dollars per annum.

5. The tax collector, two thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector a deputy, to be appointed by the tax collector, who shall receive a salary of sixty-five dollars per month for four months in the year, payable out of the same funds and in the same manner as is the tax collector.

6. Assessor, three thousand six hundred dollars per annum.

7. The treasurer, two thousand dollars per annum.

8. The district attorney, twenty-one hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney a deputy, who shall be appointed by the district attorney of said county, and whose salary is hereby fixed at the sum of seven hundred and eighty dollars per annum, which shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the district attorney; *provided further*, that nothing herein contained shall be construed to prevent the board of supervisors of said counties of this class from employing special counsel when, in the judgment of said board, the interest of said counties requires it.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, twenty-one hundred dollars per annum. His office shall be kept open on all business days from nine A. M. to twelve M. and from one P. M. to four P. M. He shall be allowed his actual traveling expenses when visiting the schools of his county and such per diem as is now or may hereafter be allowed by law for services as a member of the county board of education; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools a deputy, to be appointed by the superintendent of schools, who shall receive from the county a salary of sixty-five dollars per month, to be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as is the salary of the superintendent of schools.

12. The county surveyor shall devote his entire time to the duties of his office and shall receive for said services, the sum of twenty-one hundred dollars per annum, and the necessary cost of transportation to and from, and necessary expenses while in the field when engaged on public work; *provided*, that in counties of this class the board of supervisors may allow the surveyor additional help when in its judgment the work of the

office demands it; the expense for such additional help to be paid out of the county treasury.

13. In counties of this class, each member of the county board of education shall receive five dollars for each day the board of education is in session, not to exceed a total of three hundred and fifty dollars per annum. In addition each member shall receive the same mileage as is allowed the members of the board of supervisors of said county. Compensation of the members of the county board of education shall be payable out of the same funds and in the same manner as is the salary of the county superintendent of schools.

14. For the purpose of regulating the compensation of justices of the peace, townships in this class of counties are hereby classified according to their population as shown by the federal census of one thousand nine hundred, as follows: Townships having a population of four thousand or more, shall belong to and be known as townships of the first class; townships having a population of two thousand and less than four thousand shall belong to and be known as townships of the second class; townships having a population of one thousand and less than two thousand shall belong to and be known as townships of the third class; townships having a population of over five hundred and less than one thousand shall belong to and be known as townships of the fourth class; and townships having a population of less than five hundred shall belong to and be known as townships of the fifth class.

Justices of the peace, classification of townships for salaries of.

Justices of the peace shall receive the following salaries, which shall be paid monthly, in the same manner as such salaries of county officers are paid, and shall be in full of all services rendered by them in criminal cases; *provided, however*, that if two justices of the peace shall be elected and qualify in any township, then the said justices shall each receive one half ($\frac{1}{2}$) of the salary herein provided for.

Justices of the peace, salaries of.

In townships of the first class, eighty dollars, and shall be furnished with offices and necessary supplies by the board of supervisors of the county;

In townships of the second class, sixty dollars;

In townships of the third class, forty dollars;

In townships of the fourth class, twenty dollars;

In townships of the fifth class, ten dollars; *provided*, that each justice of the peace shall, before receiving his monthly salary, file with the auditor a statement of all fines received, together with the treasurer's receipt for the same. In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law, for all services rendered by him in civil actions.

15. For the purpose of regulating the salaries of constables, townships in this class of counties are hereby classified according to their population as shown by the federal census of one thousand nine hundred, as follows: Townships having a population of four thousand or more shall belong to and be known

Constables, classification of townships for salaries of.

as townships of the first class; townships having a population of two thousand and less than four thousand shall belong to and be known as townships of the second class; townships having a population of one thousand and less than two thousand shall belong to and be known as townships of the third class; townships having a population of over five hundred and less than one thousand shall belong to and be known as townships of the fourth class; and townships having a population of less than five hundred shall belong to and be known as townships of the fifth class. Constables shall receive the following salaries, which shall be paid monthly, in the same manner as such salaries of county officers are paid, and shall be in full of all services rendered by them in criminal cases; *provided, however*, that if two constables shall be elected and qualify in any township, then each of the said constables shall receive one half ($\frac{1}{2}$) of the salary herein provided for.

Con-
stables,
salaries of.

In townships of the first class, eighty dollars;

In townships of the second class, seventy dollars;

In townships of the third class, fifty dollars;

In townships of the fourth class, twenty-five dollars;

In townships of the fifth class, ten dollars.

In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which said expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury.

Super-
visors.

16. Each supervisor, six dollars per day when the board is in session and twenty cents per mile for traveling from his residence to the county seat. For his services as road commissioner, three hundred dollars per annum, payable in monthly installments.

Official
reporter.

17. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in all civil and criminal causes and proceedings in said court, and for taking notes of the proceedings and testimony at all coroner's inquests in the county, and for taking notes of the testimony and proceedings in all examinations before committing magistrates, and for taking notes of the testimony and proceedings of cases and commissions for the examination of persons charged with being of unsound mind, a monthly salary of one hundred dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers: and for the transcription of said notes, when the transcription thereof is required by law, or by order of the court, or by demand of any party to the suit or proceeding, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in all criminal cases and coroner's inquests and examinations of persons charged with being of unsound mind, to be

audited and allowed by the board of supervisors, as other claims against the county, and in civil cases and proceedings to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, when and in such proportions as the court may direct. When necessary for such reporter to travel away from the county seat, he shall receive his actual and necessary traveling expenses, to be allowed and paid by the board of supervisors as are other county charges.

CHAPTER 416.

An act to amend section 4241 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifteenth class, and their deputies.

[Approved March 25, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4241 of the Political Code is hereby amended to read as follows:

4244. In counties of the fifteenth class the county and township officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

Salaries in
counties of
fifteenth
class
(Orange).

1. The county clerk, three thousand two hundred and fifty dollars per annum; *provided*, that in counties of this class, there shall be and there hereby is allowed to the county clerk one deputy which office is hereby created, who shall be court room clerk, at a salary of one hundred dollars per month, and who shall be appointed by the county clerk.

The salary of said deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

2. The sheriff, four thousand dollars per annum, and such mileage as is now allowed by law and also all fees for service of papers in actions arising outside of his county; *provided*, that in counties of this class there shall be and hereby is allowed to the sheriff one deputy, which office is hereby created, who shall be jailer, at a salary of one thousand dollars per year, and who shall be appointed by the sheriff. The salary of said deputy herein provided for shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

3. The recorder, fifteen hundred dollars per annum, and four and one half cents per folio for every instrument of any character transcribed by him or his deputies, which said amount shall be paid out of the county treasury, and which payment shall be in full for all services, including indexing.

Salaries in
counties of
fifteenth
class
(Orange).

4. The auditor, two thousand dollars per annum. In counties of this class the auditor may appoint assistant auditors, which office is hereby created, and whose compensation shall not exceed the sum of nine hundred dollars per annum, in the aggregate, for all assistants so employed; *and provided*, that the auditor shall file with the county clerk a verified statement, showing in detail the amounts paid and the persons to whom such compensation has been paid for such assistants as aforesaid. The salaries herein provided for shall be paid by the said county, at the same time, and in the same manner, and out of the same funds as the salary of the auditor.

5. The treasurer, fifteen hundred dollars per annum; *provided* that, in counties of this class, there shall be and there hereby is allowed to the treasurer one office deputy, which office is hereby created, at a salary of seventy-five dollars, per month, and who shall be appointed by the treasurer. The salary of said deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid.

6. The tax collector, two thousand dollars per annum: *provided*, that in counties of this class there shall be, and there is hereby allowed to the tax collector the following deputies, whose office is hereby created, and who shall be appointed by the tax collector; one chief deputy, for a period not to exceed nine months in any one year, at a salary of seventy-five dollars per month, and such assistants as the tax collector may appoint; *provided*, that the compensation of such assistants shall not in the aggregate exceed the sum of twelve hundred dollars in any one year, *and provided*, that the tax collector shall file with the county auditor a verified statement, showing in detail the amounts and the persons to whom said compensation is paid. The salaries of the said deputy and assistants herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid.

7. The assessor, thirty-five hundred dollars per annum; *provided*, that in counties of this class there shall be eight field deputy assessors, who shall be appointed by the assessor of said county. One of said deputy assessors shall hold office for twelve months of each year, at a salary of one hundred dollars per month, whose duty shall be to keep an account of all transfers of property in said county during the year, and to assist in the assessment of property; and seven of said field deputy assessors shall hold office from twelve o'clock meridian of the first Monday of March of each year up to twelve o'clock meridian of the first Monday of July of each year. The salaries of each of said seven field deputy assessors herein provided for is fixed at the sum of one hundred and thirty dollars per month, to include horse hire and traveling expenses for each month during which they hold office, as herein pro-

vided. All of which said field deputy assessor's salaries shall be paid by said county at the same time, and in the same manner, and out of the same fund, as the salary of the assessor; *provided*, that all commissions shall be paid into the county treasury.

Salaries in counties of fifteenth class (Orange).

8. The district attorney, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney one deputy, which office is hereby created, at a salary of seventy-five dollars per month, and who shall be appointed by the district attorney. The salary of said deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, twenty-two hundred and fifty dollars per annum and actual traveling expenses when visiting the schools of the county; *provided* that in counties of this class there shall be and there hereby is allowed to the superintendent of schools one office deputy, which office is hereby created, at a salary of fifty dollars per month, and who shall be appointed by the superintendent of schools. The salary of said deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

12. The surveyor, eight dollars per day while actually employed by the county.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than eight thousand, seventy-five dollars per month; in townships having a population of less than eight thousand and more than five thousand, fifty dollars per month; in townships having a population of less than five thousand and more than two thousand, twenty-five dollars per month; in townships having a population of less than two thousand, ten dollars per month. In addition to the compensation received in criminal cases, each justice of the peace shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Justices of the peace.

14. Constables shall receive the following monthly salaries to be paid each month and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than eight thousand, seventy-five dollars per month; in townships having a population of less than eight thousand and more than five thousand, fifty dollars

Constables.

per month; in townships having a population of less than five thousand and more than two thousand, twenty-five dollars per month; in townships having a population of less than two thousand, ten dollars per month; *provided* that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions.

Super-
visors.

15. Supervisors, five hundred dollars each per annum, and mileage at the rate of ten cents per mile in going to and coming from the place of meeting of the board, not more than four board meetings per month; and as road commissioner, four dollars per day, not to exceed six hundred dollars per year in the aggregate.

Ascertain-
ment of
popula-
tion.

16. For the purpose of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors by multiplying by five the vote for presidential electors cast in each township at the next preceding election.

SEC. 2. This act shall take effect immediately.

CHAPTER 417.

An act to amend section 4275 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-sixth class.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4275 of the Political Code of the State of California is hereby amended to read as follows:

Salaries in
counties of
forty-sixth
class
(Sutter).

4275. In counties of the forty-sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following compensation and salaries, to wit:

1. The county clerk, two thousand dollars per annum.
2. The sheriff, thirty-five hundred dollars per annum, and actual traveling expenses incurred in the pursuit or arrest of criminals, either in or out of his county.
3. The recorder, fifteen hundred dollars per annum.
4. The auditor, five hundred dollars per annum.
5. The treasurer, twelve hundred dollars per annum.
6. The tax collector, eight hundred dollars per annum, which shall be in full for all services as tax collector and license collector.

7. The assessor, eighteen hundred dollars per annum.
8. The district attorney, fifteen hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, sixteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, nine hundred dollars per annum, and in addition thereto, he shall receive his actual traveling and other necessary expenses incurred by him while engaged in work for the county.

13. Each supervisor, fifty dollars per month, payable at the same time and in the same manner as other county officers are paid, and his necessary and actual expenses when attending to the business of the county by order of the board, and mileage at the rate of twenty cents per mile for traveling from his residence to the county seat to attend the sessions of the board, and mileage at the rate of twenty cents per mile one way for all actual distances traveled by him in the performance of his duties as road commissioner.

14. In counties of this class the township officers shall receive the following compensation:

In townships having a population of twenty-five hundred or more, justices of the peace and constables shall each receive a salary of thirty dollars per month.

In townships having a population of fifteen hundred and less than twenty-five hundred, the justices of the peace and constables shall each receive a salary of fifteen dollars per month.

In townships having a population of less than fifteen hundred the justices of the peace and constables shall each receive a salary of ten dollars per month.

The above-named salaries shall be in full compensation for all services of the said justices of the peace and constables in criminal cases; *provided*, that in addition to the salary herein allowed each constable shall be paid out of the treasury of the county for traveling expenses outside of his township for service of a warrant of arrest or any other paper in a criminal case such fees as are now or may be hereafter allowed by law, and for transporting prisoners to the county jail the actual expenses for such transportation, and his actual and necessary expenses in the keeping and caring for property seized by him under a writ of attachment or execution; *and provided further* that justices of the peace and constables may retain for their own use, the fees which are now or may be hereafter allowed to them respectively in civil cases.

And provided further, that for the purpose of this section, the population of the several townships shall be ascertained by multiplying the number of registered voters in each township at the last general election by five.

Supervisors.

Township officers.

Ascertainment of population.

CHAPTER 418.

An act to amend section 4252 of the Political Code of the State of California relating to salaries, fees and compensation of officers of counties of the twenty-third class.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4252 of the Political Code of the State of California is hereby amended to read as follows:

Salaries in
counties of
twenty-
third class
(Butte).

4252. In counties of the twenty-third class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, four thousand five hundred dollars per annum; *provided*, that in years when a great register of voters is required by law to be made, the county clerk shall receive in addition to his regular salary the sum of six hundred dollars for such service. The said clerk may appoint one chief deputy clerk, which said office of chief deputy clerk is hereby created. The salary of such chief deputy clerk is hereby fixed at twelve hundred dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers is paid.

2. The sheriff, six thousand dollars per annum.

3. The recorder, three thousand two hundred dollars per annum. The recorder shall also be allowed one copyist to be appointed by himself at a salary of seventy-five dollars per month, to be paid at the same time and in the same manner as the salary of county officers is paid.

4. The auditor, one thousand five hundred dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, three thousand dollars per annum.

7. The assessor, three thousand five hundred dollars per annum, and the fees and commissions now or hereafter allowed by law. The assessor shall also be allowed the following deputies, to be appointed by him, viz.: One deputy for each bona fide increase of two hundred real estate statements made for assessment purposes over and above three thousand of such statements, and not to exceed in all five deputies. Each of such deputies shall receive a monthly compensation of one hundred dollars, for the months of March, April, May and June of each year. The salary of said deputies to be paid in the same manner, and out of the same fund as the assessor, upon the presentation of a certificate that services have been performed, and signed by the assessor.

8. The district attorney, twenty-four hundred dollars per annum; assistant district attorney, nine hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, two thousand dollars per annum and his actual traveling expenses when visiting schools, not to exceed ten dollars per district.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. In counties of this class the township officers shall receive the following compensation, to wit: Township
officers.

In townships having a population of twenty-five hundred, or more, each justice of the peace shall receive a salary of one hundred and twenty-five dollars per month, and each constable a salary of ninety dollars per month;

In townships having a population of two thousand, or more, and less than two thousand five hundred, each justice of the peace shall receive a salary of thirty-five dollars per month, and each constable a salary of twenty dollars per month;

In townships having a population of twelve hundred and thirty, or more, and less than two thousand each justice of the peace shall receive a salary of fifty dollars per month, and each constable a salary of seventy dollars per month;

In townships having a population of one thousand, or more, and less than twelve hundred and thirty, each justice of the peace shall receive a salary of thirty-five dollars per month, and each constable a salary of fifty dollars per month;

In townships having a population of five hundred or more, and less than one thousand, each justice of the peace shall receive a salary of five dollars per month, and each constable a salary of five dollars per month;

In townships having a population of four hundred, or more, and less than five hundred, each justice of the peace shall receive a salary of seven dollars and fifty cents per month, and each constable a salary of ten dollars per month;

In townships having a population of less than four hundred, each justice of the peace shall receive a salary of five dollars per month, and each constable a salary of five dollars per month;

The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that each constable shall be allowed and paid the actual expense of transporting prisoners, after conviction, to the county jail, which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury.

Said justices of the peace and constables may receive and retain for their own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions.

The salaries of township officers as herein provided for shall be paid in the same manner, at the same time, and out of the same funds that county officers are paid.

Super-
visors.

15. Each member of the board of supervisors twelve hundred dollars per annum, and mileage when acting as road commissioner, twenty-five cents per mile one way; *provided*, the amount of mileage shall not exceed the sum of three hundred dollars in any one year.

Board of
education.

16. Members of the board of education, each the sum of five dollars per day for actual service, together with mileage at ten cents per mile.

SEC. 2. This act shall take effect immediately.

CHAPTER 419.

An act to amend section forty-two hundred and sixty-four of the Political Code, relating to salaries and fees of officers of counties of the thirty-fifth class.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section forty-two hundred and sixty-four of the Political Code is hereby amended to read as follows:

Salaries in
counties of
thirty-
fifth class
(Amador).

4264. In counties of the thirty-fifth class, the county officers shall receive, as compensation for the service required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, one thousand five hundred dollars per annum.
2. The sheriff, four thousand two hundred and fifty dollars per annum; *provided*, the sheriff shall also receive for his own use and benefit his necessary expenses in all criminal cases, to be allowed as other county charges are allowed by law; *and provided further*, that the sheriff shall also receive for his own use and benefit, the mileage, fees, and commissions for all services of all papers whatsoever issued by any court of the state outside of his county.
3. The recorder, one thousand eight hundred dollars per annum.
4. The auditor, one thousand dollars per annum.
5. The treasurer, one thousand eight hundred dollars per annum.
6. The tax collector, five hundred dollars per annum; *provided*, as license collector, he shall, in addition, be entitled to receive, and retain for his own use and benefit, ten per cent on all licenses collected by him.
7. The assessor, one thousand eight hundred dollars per annum, and one deputy at not to exceed five dollars per day for not more than one hundred and twenty-five days in any one year, and one field deputy at not to exceed five dollars per day,

for not more than one hundred and twenty-five days in any one year, to be paid out of the county treasury.

8. The district attorney, one thousand eight hundred dollars per annum; *provided*, he may charge and receive for his own use necessary expenses for traveling on county and public business, to be allowed as other county charges are allowed by law.

Salaries in counties of thirty-fifth class (Amador).

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, which expenses shall not exceed, three hundred dollars per annum and shall be allowed and paid as a county charge.

12. The surveyor, such fees as are now or may be hereafter allowed by law; *provided* he shall be given all work for the county in which the county employs one surveyor or civil engineer.

13. In counties of this class the township officers shall receive the following compensation, to wit:

Township officers.

In townships having a population of three thousand or more, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of sixty dollars per month.

In townships having a population of more than twenty-two hundred and less than three thousand, the justices of the peace shall receive a monthly salary of thirty-five dollars per month, and constables a monthly salary of fifty-five dollars per month.

In townships having a population of more than eighteen hundred and less than twenty-two hundred, justices of the peace shall receive a monthly salary of thirty dollars per month, and constables a monthly salary of fifty dollars per month.

In townships having a population of more than fourteen hundred and not less than eighteen hundred, justices of the peace shall receive a monthly salary of twenty-five dollars per month, and constables a monthly salary of forty-five dollars per month.

In townships having a population of less than fourteen hundred, justices of the peace shall receive a monthly salary of twenty-five dollars per month, and constables a monthly salary of forty dollars per month. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that, in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his township, for service of a warrant of arrest or any other paper in a criminal case, such fees as they are now or may be hereafter allowed by law; for transporting prisoners to the county jail, the actual expenses of such transportation;

and, provided further, that for the purpose of this section, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by five. But said justices of the peace and constables may retain for their own use, the fees allowed by law in civil cases.

Super-
visors.

14. Each supervisor, four hundred dollars per annum, and ten cents per mile for traveling to and from his residence to the county seat at each session; and, unless otherwise provided by law, when serving as road commissioner, three dollars per day. But he shall not in any one year receive more than three hundred dollars for services as such road commissioner.

Jurors.

15. Grand jurors, and jurors in the superior court in criminal cases shall be paid three dollars per day for each day's attendance, and for each mile actually traveled in going only while acting as such jurors, fifteen cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each such juror for said per diem and mileage, and the treasurer shall pay the same. The provisions of this subdivision shall take effect from and after the passage of this act.

CHAPTER 420.

An act to amend section 4241 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the twelfth class.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4241 of the Political Code is hereby amended to read as follows:

Salaries in
counties of
twelfth
class
(Solano).

4241. In counties of the twelfth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk three thousand three hundred dollars per annum, and five hundred dollars additional per annum when a registration of voters is required by law. He shall also be allowed one copyist, which office of copyist is hereby created, who shall receive as compensation the sum of nine hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

2. The sheriff, four thousand five hundred dollars per annum, and the fees or commissions for the service of all papers whatsoever issued by any court outside of his county. He shall appoint a jailer to take charge of the branch county

jail, at a salary of six hundred dollars per annum, to be paid by the county. Salaries in counties of twelfth class (Solano).

3. The recorder, twenty-four hundred dollars per annum. He shall also be allowed one deputy, which office of deputy is hereby created, who shall receive as compensation the sum of nine hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

4. The auditor, twenty-four hundred dollars per annum.

5. The treasurer, eighteen hundred dollars per annum. He shall also be allowed one deputy, which office of deputy is hereby created, who shall receive as compensation the sum of nine hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

6. The tax collector, three thousand dollars per annum.

7. The assessor, three thousand dollars per annum. He shall also be allowed one deputy, which office of deputy is hereby created, who shall receive as compensation nine hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

8. The district attorney, two thousand seven hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, five hundred dollars per annum.

11. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his county; *provided*, said superintendent of schools may appoint one assistant superintendent of schools, which office of assistant superintendent of schools is hereby created, who shall receive as compensation the sum of nine hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers are paid.

12. The surveyor shall receive seven dollars per diem for each day actually employed in the performance of his duties as a county officer, and in addition thereto all necessary expenses, such as transportation and pay of help which may be necessary for the performance of county duties.

13. Justices of the peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of six thousand or more, one hundred dollars per month; in townships having a population of two thousand four hundred and less than six thousand, seventy-five dollars; in townships having a population of two thousand and less than two thousand four hundred, sixty-five dollars; in townships having a population of one thousand five hundred and less than two thousand, fifty-five dollars; in townships having a population of one thousand and less than one thousand five hundred,

Justices of the peace.

thirty dollars; in townships having a population of eight hundred and less than one thousand, twenty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars. Each justice must pay into the county treasury once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as now or hereafter may be allowed by law for all services performed by him in civil actions.

Con-
stables.

14. Constables, the following salaries which shall be paid monthly as salaries of county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of two thousand one hundred and more, one hundred dollars; in townships having a population of one thousand five hundred and less than two thousand one hundred, eighty dollars; in townships having a population of one thousand and less than one thousand five hundred, fifty dollars; in townships having a population of eight hundred and less than one thousand, thirty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or hereafter may be allowed by law for all services performed by him in civil actions. For the purposes of this section the basis of calculation for fixing the compensation of justices and constables above mentioned, the population of the different townships of the county shall always be based upon the figures as shown by the last United States census; *provided, however*, that whenever the census of any township or townships shall have been taken under the provisions of this title, said census may become the basis of calculation.

Super-
visors.

15. Each member of the board of supervisors, twelve hundred dollars per annum for all services rendered and including mileage and services as road commissioner, *provided*, that when required to go on business to any point outside of said county, they shall be allowed actual necessary expenses.

Official
reporter.

16. The official court reporter for all services required of him in the superior court, excepting for transcribing his notes, a salary of one thousand five hundred dollars per annum, to be paid by the county monthly as the salaries of county officers are paid. For transcribing his notes of testimony in the superior court when required seven cents per folio for original and four cents per folio for copies to be paid for when completed by the party in a civil action who directs the work to be done, but the same shall ultimately be taxed as costs in the case. In criminal proceedings in the superior court when the judge orders the notes transcribed the same shall be paid from the county treasury on the order of the court. When the

services of the reporter are demanded in any civil matter the clerk shall collect each day in advance two dollars and fifty cents from each side to the controversy, and pay the same into the county treasury. At the conclusion of the trial or proceedings in civil matters, such reporter's fees shall be taxed as costs in the same manner that other costs are taxed in the case.

17. Members of the county board of education shall receive ten cents per mile for traveling from his or her residence to the county seat; *provided*, that milcage be not allowed for more than two meetings in any one month.

Board of
education.

SEC. 2. This act shall take effect immediately.

CHAPTER 421.

An act to amend section 4270 of the Political Code of the State of California, relating to the compensation of officers of counties of the forty-first class.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4270 of the Political Code of the State of California is hereby amended to read as follows:

4270. In counties of the forty-first class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

Salaries in
counties of
forty-first
class
(Yuba).

1. The county clerk, three thousand dollars per annum; and the said county clerk may appoint one deputy county clerk, which said office of deputy county clerk is hereby created. The salary of such deputy county clerk is hereby fixed at twelve hundred dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers is paid.

2. The sheriff, four thousand dollars per annum, and actual traveling expenses incurred in the pursuit or arrest of criminals, either in or out of his county.

3. The recorder, one thousand five hundred dollars per annum; and the said recorder may appoint one deputy recorder, which said office of deputy recorder is hereby created. The salary of such deputy recorder is hereby fixed at one thousand dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers is paid.

4. The auditor, one thousand dollars per annum.

5. The treasurer, one thousand five hundred dollars per annum.

Salaries in
counties of
forty-first
class
(Yuba).

6. The tax collector, one thousand dollars per annum, which shall be in full for all services as tax collector and as license collector.

7. The assessor two thousand five hundred dollars per annum. The said assessor may appoint one deputy assessor, which said office of deputy assessor is hereby created, who shall serve as such only during the months of March, April, May and June of each year. Said deputy assessor shall receive a salary of one hundred dollars per month, payable during the period of such service, at the same time and in the same manner as the salary of county officers is paid.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand two hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, twelve hundred dollars per annum, and in addition thereto, he shall receive his actual traveling and other necessary expenses incurred by him while engaged in work for the county.

Township
officers.

13. In counties of this class the township officers shall receive the following compensation, to wit:

In townships having a population of three thousand or more, justices of the peace and constables shall each receive a monthly salary of sixty dollars per month.

In townships having a population of fifteen hundred and less than three thousand, the justices of the peace and constables shall each receive a monthly salary of forty-five dollars per month.

In townships having a population of eight hundred and less than fifteen hundred, the justices of the peace and constables shall each receive a monthly salary of thirty-five dollars per month.

In townships having a population of five hundred and less than eight hundred, the justices of the peace and constables shall each receive a monthly salary of fifteen dollars per month.

In townships having a population of less than five hundred, the justices of the peace and constables shall each receive a monthly salary of five dollars per month.

The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his township, for service of a warrant of arrest or any other paper in a criminal case, such fees as they are now or may be hereafter allowed by law, for transporting prisoners to the county jail, the actual expenses of such transportation; and *provided further*,

that for the purpose of this subdivision, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by five. But said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

Ascertainment of population.

14. Each member of the board of supervisors \$1,200.00 per annum, and mileage when acting as road commissioner twenty-five cents per mile one way; *provided*, the amount of mileage shall not exceed the sum of \$300.00 in any one year.

Supervisors.

CHAPTER 422.

An act to amend section 4261 of the Political Code relating to salaries and fees of officers in counties of the thirty-second class.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4261 of the Political Code is hereby amended to read as follows:

4261. In counties of the thirty-second class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Salaries in counties of thirty-second class (San Mateo).

1. The county clerk, three thousand dollars per annum, and such fees as are now, or may be hereafter, allowed by law, and in any year when a new great register of voters is required by law, he shall receive in addition thereto ten cents per name for each person registered; *and provided*, that in counties of this class the county clerk may appoint one deputy, which office is hereby created, who shall receive a salary of fifteen hundred dollars per annum. The deputy herein provided for shall be paid at the same time and in the same manner and out of the same fund as the county clerk is paid.

2. The sheriff, four thousand and five hundred dollars per annum, and mileage at the rate of twenty-five cents per mile necessarily traveled in going only.

3. The recorder, three thousand and five hundred dollars per annum, and said recorder may appoint two deputy recorders, which offices are hereby created, who shall receive a salary of eight hundred dollars each per annum. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same fund as the recorder is paid.

4. The auditor, one thousand eight hundred dollars per annum, and said auditor may appoint one deputy, which office is hereby created, who shall receive a salary of six hundred dollars per annum. The deputy herein provided for shall be paid at the same time and in the same manner and out of the same fund as the auditor.

5. The treasurer, one thousand eight hundred dollars per annum.

6. The tax collector, two thousand dollars per annum.

7. The assessor, four thousand dollars per annum.

8. The district attorney, two thousand four hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, two thousand one hundred dollars per annum, and actual traveling expenses when visiting the schools of the county.

12. The surveyor shall receive one thousand six hundred dollars per annum for all work performed for the county, and in addition thereto, actual traveling and other necessary expenses incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace or otherwise prepare maps, plats or block books for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.

Justices of
the peace.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand five hundred or more, seventy-five dollars per month. In townships having a population of not less than two thousand nor more than three thousand five hundred, seventy dollars per month. In townships having a population of not less than twelve hundred nor more than two thousand, fifteen dollars per month. In all townships having a population of less than twelve hundred, ten dollars per month. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law, and shall also collect and retain for his own use such fees as are now or may be hereafter allowed by law for services rendered by him as coroner, when acting as such.

Con-
stables.

14. Constables shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand five hundred or more, seventy-five dollars per month. In townships having a population of not less than two thousand nor more than three thousand five hundred, seventy dollars per month. In townships having a population of not less than twelve hundred nor more than two thousand, fifteen dollars per month. In all townships having a population of less than twelve hundred, ten dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions; and he shall also be allowed his actual and

necessary expenses incurred in executing any warrant outside of his county issued by a magistrate or justice of his county.

Constables shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail, which said expenses shall be audited and allowed by the board of supervisors, and paid out of the county treasury.

15. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty-five cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board, and of said secretary, shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors, and shall be allowed at the rate above named, in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred and seventy of this code.

16. Each supervisor, nine hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat; *provided*, that when a supervisor is also road commissioner he shall receive in addition to the twenty cents per mile allowed to him by law as such road commissioner his actual traveling expenses, the total mileage and expenses not in any one year to exceed the sum of three hundred dollars.

Sec. 2. This act shall take effect immediately.

CHAPTER 423.

An act to amend sections one thousand nine hundred and eight, one thousand nine hundred and seventeen and one thousand nine hundred and twenty-three of the Political Code of California, all relating to the enrolled militia.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one thousand nine hundred and eight of the Political Code of California is hereby amended to read as follows:

1908. *Staff of Commander-in-Chief.* The staff of the commander-in-chief shall consist of the chiefs of the several corps and departments of the national guard, the colonel of the adju-

Board of
education.

Super-
visors.

Staff of
com-
mander-
in-chief.

tant general's department of the national guard, one personal aid-de-camp with rank of commander, and such additional personal aids-de-camp with the rank of lieutenant colonel as the commander-in-chief may appoint. All of said officers shall be appointed by the commander-in-chief. The personal aids-de-camp shall hold office during the pleasure of the commander-in-chief or until their successors are appointed and qualified. All others of the said officers shall hold office as provided in chapter two of this title.

SEC. 2. Section one thousand nine hundred and seventeen of the Political Code of the State of California is hereby amended to read as follows:

Declara-
tion of
insurrec-
tion.

1917. *Proclamation of State of Insurrection.* Whenever the governor is satisfied that the execution of civil or criminal process has been forcibly resisted in any county, or city and county, or city, by bodies of men, or that any conspiracy or combination exists to resist by force the execution of such process in any county, or city and county, or that the officers of any county, or city and county, or city, are unable or have failed for any reason to enforce the laws, he may, by proclamation, declare the county, or city and county, or city, or any portion thereof, to be in a state of insurrection, and he may thereupon order into the service of the state such number and description of the organized national guard, or enrolled militia, as he deems necessary, to serve for such term and under the command of such officer as he may direct. The governor may, at any time thereafter revoke the proclamation of insurrection hereby authorized or declare that it shall terminate at a time or in the manner directed by him.

SEC. 3. Section one thousand nine hundred and twenty-three of the Political Code of the State of California is hereby amended to read as follows:

Control of
military
depart-
ment.

1923. *The Adjutant General's Department.* The chief of the adjutant general's department shall be known as the adjutant general. He shall be in control of the military department of the state, and subordinate only to the commander-in-chief in matters pertaining to the said department. He will perform such duties as are described in this title and such other duties consistent with the regulations and customs of the United States army and United States navy as may be prescribed by the commander-in-chief. All the duties of the adjutant general shall be performed under the direction of the commander-in-chief.

Duties of
adjutant
general.

1. He shall keep a register of all the officers of the militia of the state, and keep in his office all records and papers required to be kept and filed therein, and make a biennial report to the commander-in-chief including a detailed statement of all moneys received and disbursed by him for military purposes during that period, and the number and condition of the national guard.

Print mili-
tary law.

2. He shall, at the expense of the state, when necessary, cause the military law, general regulations of the state and articles of war of the United States to be printed, indexed and

bound in compact form and distributed to the commissioned officers and the several organizations of the national guard.

3. He shall cause to be prepared and issued all necessary blank books, blanks and notices required to carry into full effect the provisions of this title. All such books and blanks shall be and remain the property of the state. Issue blank books.

4. The seal now used in the office of the adjutant general shall be the seal of his office, and shall be delivered by him to his successor. All orders issued from his office shall be authenticated with his seal. Seal.

5. In order that the national guard of the state may receive the funds provided by congress, it shall be the duty of the adjutant general of the state to prepare and submit a plan of proposed field or camp service of instruction for the ensuing year, with an estimate of the funds required for pay, subsistence, and transportation of the portion of the national guard participating therein: said estimate to furnish the details and to be made out in the form required by instructions from the secretary of war, or the secretary of the navy. Plan of field service.

6. He shall make such regulations pertaining to the preparation of reports and returns and to the care and preservation of property, in the possession of the state for military purposes, whether belonging to the state or to the United States, as in his opinion the conditions demand: such regulations to be operative and in force when promulgated in the form of general orders, circulars or letters of instruction. Regulations pertaining to reports.

7. He shall attend to the care, preservation, and safe-keeping, and repairing of the arms, ordnance, accoutrements, equipments, and all other military property belonging to the state, or issued to the state by the government of the United States for the purpose of arming and equipping the organized militia. All military property of the state which, after a proper inspection, shall be found unsuitable for the use of the state shall, under the direction of the commander-in-chief, be disposed of by the adjutant general at public auction after suitable advertisement for sale, daily for ten days, in at least one newspaper published in the English language in the city or county where the sale is to take place; or the same may be sold at private sale or may be condemned and destroyed when so ordered by the commander-in-chief. He shall bid in the property or suspend the sale whenever, in his opinion, better prices may or should be obtained. He shall, from time to time, render to the commander-in-chief, a just and true account of the sales made by him, and shall expend the proceeds of the same in the purchase of other military property, as the commander-in-chief may direct. And all such military property belonging to the state may be disposed of by the adjutant general without reference to the state board of examiners. Care of ordnance.

He shall be responsible for all the arms, ordnance, accoutrements, equipments, and other military property which may be issued to the state by the secretary of war and secretary of the navy in compliance with law; and it shall thereafter be his duty to prepare returns of such arms and other property of the

United States at the time and in the manner required by the secretary of war and the secretary of the navy.

He shall, upon the order of the commander-in-chief, turn in to the ordnance department of the United States army or navy, the rifles, carbines, bayonets, bayonet scabbards, gun slings, belts, and such other necessary accoutrements and equipments the property of the United States and in the possession of the state, which may be replaced from time to time, by new arms, equipments, etc., sent by the United States in substitution therefor, and cause the same to be shipped, under the instructions from the secretary of war, or secretary of the navy, to the designated arsenal or depot at the expense of the United States. And when the national guard of the state shall be fully armed and equipped with the standard magazine arms, and the standard equipment and accoutrement of the United States army and navy, he shall cause all the remaining arms, equipments, etc., the property of the United States and in the possession of the state, to be transferred and shipped as above directed.

Account of expenses.

He shall keep a just and correct account of all expenses necessarily incurred, including pay of officers and enlisted men, subsistence of militia, transportation of the militia, and of all military property of the state, and such expenses shall be audited and paid in the same manner as other military accounts are audited and paid.

Military property, issue of.

9. He shall issue such military property as the commander-in-chief shall direct, and under his direction shall make purchases for that purpose. No military property shall be issued to persons or organizations other than those belonging to the active militia, except such proportions of the reserve militia as may be called out by the commander-in-chief.

Purchases of property not exceeding \$500.00 in value shall be made in such manner as the adjutant general shall direct. If such purchases shall require an expenditure of a sum exceeding \$500.00, he shall publicly advertise for not less than ten days for sealed proposals for furnishing such property; such proposals shall be publicly opened by him at the place, day and hour designated in such advertisement; *provided, however*, that he may purchase at any time any or all military stores, property, equipments and supplies required by the military department of the state from the United States government, under the provisions and regulations of the war and navy departments governing such purchases.

Contracts to furnish property.

He shall, if the commander-in-chief approve, make contract with the lowest responsible bidder to furnish such property. All proposals and contracts made under the authority hereby conferred shall be filed in the office of the adjutant general. The adjutant general is authorized and directed whenever, in his opinion, it shall be to the interest of the state, to require the party who shall agree or contract to furnish such property to give bond to the people of the state in such sum and with such surety as he shall direct, conditioned for the faithful performance of such agreement or contract. In case of default such bond shall be prosecuted by the attorney general and all

moneys recovered thereby shall be paid to the adjutant general and by him expended for the benefit of the national guard.

All property purchased under authority herein granted shall be inspected by an inspector or an officer detailed for the purpose by the commander-in-chief, and no payment shall be made therefor until it shall appear by the certificate of such officer that such property is of the kind and quality specified in such agreement or contract. Inspection
of
property.

In case of insurrection, invasion, tumult, riot, breaches of the peace, or imminent danger thereof, the commander-in-chief may temporarily suspend the operation of this paragraph and direct the adjutant general to purchase such military property or supplies as may be required in open market. May buy
in open
market
when.

10. The adjutant general shall attest all commissions issued to military officers.

11. He will superintend the preparation of all returns and reports required by the United States from the state on military matters.

12. In the absence or inability to perform his duties of the adjutant general, the officer on duty in the adjutant general's department of the rank of colonel, shall perform the duties prescribed for the adjutant general, and in the absence or inability of both of said officers, the chief of the inspector general's department shall perform the said duties, during such absence or inability. Absence
of the
adjutant
general.

SEC. 4. The provisions of this act shall be in force and effect from and after its passage and approval.

CHAPTER 424.

An act to amend section 642 of the Political Code of the State of California, relating to the fish commissioners and their assistants and prescribing their powers and duties.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 642 of the Political Code of the State of California is hereby amended to read as follows:

642. It is the duty of the fish commissioners:

1. To see that the laws for the preservation of fish and game are strictly enforced; and for that purpose they may, from time to time, employ such assistants as they shall deem necessary, which persons so appointed as assistants shall be public officers and shall have all the powers and authority of sheriffs or other peace officers to make arrests for violation of such laws, and to serve all process and notices throughout the state. General
duties of
fish
commis-
sioners.

General
duties of
fish
commis-
sioner.

The fish commissioners or their assistants shall seize and take possession of any and all game or fish or any part thereof which have been caught, taken, killed, or had in possession, or under control, or sold or offered for sale, or shipped, or offered for shipment, contrary to any of the laws of this state, and all such game, fish or any part thereof which may be so seized and taken possession of by the fish commissioners or their assistants shall be donated by them to some charitable or public institution.

2. To establish and maintain fish breederies for stocking the waters of this state with foreign and native fish.

3. To purchase and import the spawn or ova of fish suitable for food.

4. To stock with such spawn the waters of this state.

5. To employ persons skilled in fish breeding to assist them in their duties.

6. To furnish plans for and direct and compel the construction and repair of fish ladders and ways upon dams and obstructions.

7. To provide for the importation of game birds or animals and for the propagation, distribution and protection of imported or domestic game birds or animals, and for that purpose to acquire by lease or otherwise such land as may be deemed necessary for the purpose of establishing state game farms, and to distribute the output of such game farm or farms on public lands, or where, in the judgment of the fish commissioners, such birds or animals will receive adequate protection.

8. To report biennially to the governor a statement of all their transactions and disbursements.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect immediately.

CHAPTER 425.

An act to amend section 1321 of the Political Code, relating to the compensation of presidential electors.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1321 of the Political Code is hereby amended so as to read as follows:

Compensa-
tion of
presi-
dential
electors.

1321. Presidential electors shall receive a compensation of ten dollars for their services as such elector, and mileage at the rate of ten cents per mile for each mile of travel from their domicile to the state capitol and return.

CHAPTER 426.

An act to amend the Code of Civil Procedure of the State of California by adding a new section thereto to be known as section 542a, relating to attachments.

[Approved March 25, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The Code of Civil Procedure is hereby amended by adding a new section thereto to be known as 542a, to read as follows:

542a. The attachment shall be a lien upon all real property attached for a period of three years after the date of levy unless sooner released or discharged as provided in this chapter, by dismissal of the action or by entry and docketing of judgment in the action. At the expiration of three years the lien shall cease and any proceeding or proceedings against the property under the attachment shall be barred; *provided*, that upon motion of a party to the action, made not less than five nor more than sixty days before the expiration of said period of three years, the court in which the action is pending may extend the time of said lien for a period not exceeding two years from the date on which the original lien would expire, and the lien shall be extended for the period specified in the order upon the filing of a certified copy of the order with the recorder of the county in which the real property attached is situated. The lien may be extended from time to time in the manner herein prescribed.

Attach-
ment a
lien for
three
years.

Extension
of lien.

SEC. 2. This act shall take effect sixty days after passage.

CHAPTER 427.

An act to amend section 3 of an act entitled "An act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells," approved March, 1907.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3 of an act entitled "An act to prevent the waste and flow of water from, and prescribing penalties therefor, and defining waste and artesian wells," is hereby amended to read as follows:

Artesian
wells.
waste
defined.

Section 3. Waste is defined, for the purposes of this act, to be the causing, suffering or permitting any water flowing from an artesian well, to run into any river, creek, or other natural water course or channel, or into any bay or pond (unless used thereafter for the beneficial purpose of irrigation of land or domestic use), or into any street, road, or highway, or upon the land of any person, or upon the public lands of the United States or of the State of California, unless it be used thereon for the beneficial purposes of the irrigation thereof or for domestic use or the propagation of fish. The use of any water flowing from an artesian well for the irrigation of land whenever over five per cent of the water received on such land for such purposes is allowed to escape therefrom, is also hereby declared to be waste within the meaning of this act; *provided*, that nothing herein shall prevent the running of artesian water into an artificial pond or storage reservoir, if used thereafter for a beneficial use; *provided*, such beneficial use shall not exceed one tenth of one miner's inch of water per acre, perpetual flow, but such user of water shall have the right to cumulate the said amount within any period of each year.

CHAPTER 428.

An act to prevent the destruction of wild game within the boundaries of the Pinnacles forest reserve and Pinnacles national monument in the counties of San Benito and Monterey, in the State of California.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Destruction of
game prohibited.

SECTION 1. Every person who shall hunt, pursue, kill or destroy any wild game of any kind within the boundaries of the Pinnacles national forest reserve or the Pinnacles national monument situated in the counties of San Benito and Monterey, in the State of California, is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred nor more than five hundred dollars or by imprisonment in the county jail of the county in which the conviction shall be had not less than fifty days nor more than two hundred days, or by both such fine and imprisonment.

Sec. 2. The provisions of this act shall not apply to the hunting, pursuing, killing or destroying of California lions, wild cats or coyotes, under a permit therefor issued by the fish and game commission of California.

CHAPTER 429.

An act to prevent fishing or the taking of fish by means of weirs, dams, nets, traps or seines in False bay or in the entrance thereto.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Any person who, in the waters of False bay, in the county of San Diego, State of California, or in the entrance of said bay, shall use any weir, dam, net, trap or seine of any description for the purpose of catching fish or who shall, in these waters, take any fish from any weir, dam, net, trap or seine, is guilty of a misdemeanor. Protection
of fish in
False bay.

SEC. 2. Any person convicted of the violation of any of the provisions of this act shall be fined not less than ten dollars nor more than fifty dollars, or shall be imprisoned in the county jail of said county not less than five days nor more than twenty-five days, or shall be both fined and imprisoned in the discretion of the court. Penalty.

SEC. 3. This act shall take effect immediately.

CHAPTER 430.

An act to amend section 472 and section 475 of an act entitled "An act to establish a Political Code" approved March 12, 1872, relating to the duties of the attorney general, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the attorney general's office and fixing their salaries.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 472 of the Political Code is hereby amended so as to read as follows:

472. The attorney general may appoint one assistant, one chief deputy and three additional deputies, who shall be civil executive officers. The annual salary of the assistant shall be thirty-six hundred dollars; the annual salary of the chief deputy shall be thirty-three hundred dollars; the annual salary of two of said additional deputies shall be three thousand dollars; the annual salary of one of said additional deputies Assistants
to attorney
general,
and
salaries.

shall be twenty-seven hundred dollars. Said salaries shall be paid at the same time and in the same manner as the salaries of other state officers.

Special
counsel.

The attorney general shall not employ special counsel in any case except those provided in section four hundred and seventy-four of the Political Code.

Attorney
general,
shall have
charge of
what legal
matters.

The attorney general shall have charge, as attorney, of all legal matters in which the state is in any wise interested, except the business of the regents of the University of California and of the state harbor commissioners, and such other boards or officers as are now by law authorized to employ attorneys, and no board, officer, or officers, or employee of the state, except said regents and said harbor commissioners and such other boards and officers as are now by law authorized to employ attorneys, shall employ any attorney other than the attorney general, or one of his assistants or deputies, in any matter in which the state is interested; nor shall any money be drawn out of the treasury, or out of any moneys appropriated out of the treasury, or out of any special or contingent fund under the control of any board, officer or officers, or employee, for the pay of any legal services rendered after the passage of this act, the provisions of any existing statute to the contrary notwithstanding, excepting as above provided; *provided*, that whenever a district attorney in any county of this state shall, for any reason, become disqualified from conducting any criminal prosecution within such county, the attorney general may employ special counsel to conduct such prosecution, and the attorney's fee in such case shall be a legal charge against the state. *Provided further*, that nothing herein contained shall be construed to prevent or deny the right of any board, officer or officers or employee of the state to employ or engage counsel in any matter of the state, after first having obtained the written consent so to do of the attorney general.

SEC. 2. Section 475 of the Political Code is hereby amended so as to read as follows:

Clerks to
attorney
general,
and
salaries.

475. The attorney general may appoint two clerks, one phonographic reporter and two stenographers for his office. The annual salary of said clerks shall be sixteen hundred dollars. The annual salary of the phonographic reporter shall be eighteen hundred dollars. The annual salary of each of such stenographers shall be twelve hundred dollars. Said salaries shall be paid at the same time and in the same manner as the salaries of other state officers are paid. Said clerks, said phonographic reporter and said stenographers shall be civil executive officers.

SEC. 3. This act shall take effect immediately.

CHAPTER 431.

An act to prevent the taking of fish by means of weirs, dams, nets, traps or seines, in certain tide water on the coast of Mendocino county.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Any person who in the tide water of the Noyo, Big, Ten-Mile, Garcia, Navarro, or Gualala rivers in Meudocino county, shall use any weir, dam, net, trap or seine of any description for the purpose of catching fish, or who shall in any of said tide water take any fish of any kind from any weir, dam, net, trap, or seine, is guilty of a misdemeanor and is punishable by a fine of not less than ten nor more than fifty dollars, or by imprisonment in the county jail of said county not less than five days nor more than twenty-five days, or by both such fine and imprisonment.

Protection of fish in certain tide waters of Mendocino county.

SEC. 2. In the construction and meaning of this act the limits of tide water in the Noyo river shall be deemed to extend from its mouth to the mouth of the South Fork thereof; in the Big river from the mouth thereof to the Laguna; in the Ten-Mile river from the mouth thereof to the Soda Springs; in the Garcia river from the mouth thereof to the mouth of the North Fork thereof; in the Navarro river from the mouth thereof to Barton Gulch; in the Gualala river from the mouth thereof to the mouth of the North Fork thereof.

Extent of tide water.

SEC. 3. This act shall take effect immediately.

CHAPTER 432.

An act to repeal an act entitled "An act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California, as recommended in the special report of the California debris commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, chief of engineers, C. H. McKinstry, major, corps of engineers, and Thomas H. Jackson, captain, corps of engineers, of the United States army, and printed with the annual report of the chief of engineers of the United States army, for the fiscal year ending June 30, 1907, and making an appropriation for such work," approved February 12th, 1909.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Repeal of
chapter 24,
ante.

SECTION 1. An act entitled "An act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California as recommended in the special report of the California debris commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, chief of engineers, C. H. McKinstry, major, corps of engineers, and Thomas H. Jackson, captain, corps of engineers, of the United States army, and printed with the annual report of the chief of engineers of the United States army, for the fiscal year ending June 30, 1907, and making an appropriation for such work," approved February 12th, 1909, is hereby repealed.

CHAPTER 433.

An act to amend section four hundred and fifty-seven of the Political Code.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four hundred and fifty-seven of the Political Code is hereby amended so as to read as follows:

Watchmen
at state
treasury.

457. The treasurer may employ four watchmen at an annual salary each of thirteen hundred and twenty dollars.

SEC. 2. This act shall take effect immediately.

CHAPTER 434.

An act to amend section three thousand seven hundred and thirteen of the Political Code of the State of California relating to the levy of taxes.

[Approved March 25, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section three thousand seven hundred and thirteen of the Political Code of the State of California is hereby amended so as to read as follows:

3713. The state board of equalization must, for state purposes, for the sixty-first and sixty-second fiscal years, fix such an ad valorem rate of taxation upon each one hundred dollars in value of taxable property in this state as, after allowing five per cent for delinquencies in collection of taxes, as provided in section three thousand six hundred and ninety-six of the Political Code, will raise for the sixty-first fiscal year:

First—For the general fund, four million twenty-five thousand dollars. Sixty-first fiscal year.

Second—For the school fund, three million one hundred ninety-nine thousand three hundred and thirty-six dollars.

Third—For the high school fund, three hundred sixty-four thousand five dollars.

Fourth—For the interest and sinking fund, one hundred forty-one thousand four hundred thirty-five dollars.

And for the sixty-second fiscal year:

First—For the general fund, three million five hundred seventy-five thousand dollars. Sixty-second fiscal year.

Second—For the school fund, three million one hundred ninety-nine thousand three hundred thirty-six dollars.

Third—For the high school fund, three hundred sixty-four thousand five dollars.

Fourth—For the interest and sinking fund, one hundred forty-one thousand four hundred thirty-five dollars.

CHAPTER 435.

An act to amend section 4041 of the Political Code of California, relating to the general permanent powers of the board of supervisors.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand forty-one of the Political Code of California is hereby amended to read as follows:

General powers of board.

4041. The boards of supervisors, in their respective counties, shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law:

Supervise county officers.

1. To supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county charged with the assessing, collecting, safe-keeping, management, or disbursement of the public revenues; to see that they faithfully perform their duties, direct prosecutions for delinquencies, and, when necessary, require them to renew their official bonds, make reports and present their books and accounts for inspection.

Divide counties into districts.

2. To divide the counties, into townships, election, school, road, supervisor, sanitary, and other districts required by law, change the same, and create others, as convenience requires.

Establish election precincts.

3. To establish, abolish, and change election precincts, and to appoint inspectors, clerks and judges of election, canvass all election returns, declare the result, and order the county clerk to issue certificates thereof: but no election precinct shall be established or abolished, or the boundaries of any precinct changed, within ninety days prior to any election.

Roads, bridges, etc.

4. To lay out, maintain, control, construct, repair, and manage public roads, turnpikes, ferries, wharves, chutes, and other shipping facilities and bridges within the county, unless otherwise provided by law, and to grant franchises and licenses to collect tolls thereon; *provided*, where the cost of the construction of any bridge, wharf, chute, or other shipping facilities that may be built under the provisions of this subdivision exceeds the sum of five hundred dollars they must cause to be prepared and must adopt plans and specifications, strain sheets, and working details, and must advertise for bids for the construction of such bridge, wharf, chute, or other shipping facilities, unless otherwise provided by law, in accordance with the plans and specifications so adopted. All bidders shall be afforded opportunity to examine such plans and specifications, and said board shall award the contract to the lowest responsible bidder, and the plans and specifications so adopted shall be attached to and become a part of the contract; and the person or corporation to whom the contract is awarded shall be required to execute a bond, to be approved by said board,

for the faithful performance of such contract; *provided*, that after the submission of the bids as herein provided, the board of supervisors being advised by the county surveyor that the work can be done for a sum less than the lowest responsible bid, it shall then be their privilege to reject all bids and to order the work done or structure built by day's work, under the supervision and control of the said surveyor; *provided further*, that the surveyor in such cases shall be held personally responsible (under his official bond, to construct said bridge or structure) according to his plans and specifications, at a cost not to exceed the amount of the lowest responsible bid received; *provided*, that the road commissioners or road overseers in their respective districts shall employ all labor required and direct the conduct of work of any kind upon any and all public roads; *provided further*, that in cases of great emergency, by the unanimous consent of the whole board, they may proceed at once to replace or repair any and all bridges and structures without notice.

Labor on
public
roads.

5. To construct or lease, officer and maintain, hospitals and almshouses, or otherwise, in their discretion, provide for the care and maintenance of the indigent sick or dependent poor of the county; and for such purposes to levy the necessary property or poll taxes, or both. The board of supervisors shall appoint some suitable person to take care of and maintain such hospitals and almshouses, and shall also appoint some suitable graduate or graduates in medicine to attend to such indigent sick or dependent poor, and to the patients in such hospitals and almshouses. The board shall not let the care, maintenance, or attendance of such indigent sick or dependent poor by contract to the lowest bidder.

Hospitals
and alms-
houses.

6. To provide a farm, in connection with the county hospital, or almshouse, and make regulations for working the same.

County
farm.

7. To purchase, receive by donation, lease, or otherwise acquire real or personal property or water rights necessary for use of the county; to purchase, receive by donation, or otherwise acquire real property for public pleasure grounds, or public parks, and to improve, preserve, take care of, manage and control the same; to purchase, receive by donation, lease, or otherwise acquire real property upon which to sink wells to obtain water for sprinkling roads and other county purposes, and to erect thereon tanks and reservoirs for the storage of water for such purposes, and to erect pumping apparatus for obtaining the same, to preserve, take care of, and manage and control the same; but no purchase of real property shall be made unless a notice of the intention of the board to make such purchase, describing the property to be purchased, the price to be paid therefor, from whom it is proposed to be purchased, and fixing the time when the board will meet to consummate such purchase, has been published for at least three weeks in some newspaper of general circulation published in the county; or if none be published in the county, then has been posted at least three weeks prior to the time when the board meets to consummate such purchase in at least three public places in each supervisor district.

Water
rights.

To erect
court-
house, jail,
etc.

8. To cause to be erected, or rebuilt, or furnished, a court-house, jail, hospital, historical museum, art gallery, and such other public buildings as may be necessary, or to provide suitable buildings for such purposes. None of the aforesaid buildings shall be erected or constructed until the plans and specifications have been made therefor and adopted by the board. All such buildings must be erected by contract, let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation published in such county for at least thirty days. In case there is no newspaper published in such county, then such notice shall be given by posting in three public places.

To sell
property
not
needed.

9. To sell at public auction, at the courthouse door, or at such other place within the county as the board may, by a four-fifths vote, order, after thirty days' notice, given either by publication in a newspaper published in the county or by posting in five public places in the county, and convey to the highest bidder for cash any property belonging to the county not required for public use, paying the proceeds into the county treasury for the use of the county; *provided*, if in the unanimous judgment of the board, the property does not exceed in value the sum of seventy-five dollars, or if it be the product of the county farm, the same may be sold at private sale, without advertising, by any member of the board empowered for that purpose by a majority of the board.

Examine
accounts.

10. To examine and audit, at least every twelve months, the accounts of all officers having the care, management, collection, or disbursement of moneys belonging to the county, or moneys received or disbursed by them under authority of law.

Allow
demands.

11. To examine, settle, and allow all accounts legally chargeable against the county, except salaries of officers, and such demands as are authorized by law to be allowed by some other person or tribunal, and order warrants to be drawn on the county treasurer therefor.

To levy
taxes.

12. To levy taxes upon the taxable property of their respective counties for all county purposes, and also upon the taxable property of any district, for the construction and repair of roads and highways and other district purposes; *provided*, that no tax shall be levied upon any district until the proposition to levy the same has been submitted to the qualified electors of such district and received a majority of all the legal votes cast upon such proposition.

Public
boule-
vards.

13. To acquire and take by purchase, condemnation, or otherwise, land for the uses and purposes of public boulevards; to lay out, establish and improve public boulevards and to incur a bonded indebtedness for any of such purposes; *provided*, that no such indebtedness shall be incurred for any of such purposes until after the question of the issue of bonds therefor shall have been submitted to the qualified electors of the county, at a special election called for that purpose and two thirds of the electors of the county voting at such election shall have voted in favor of issuing such bonds; said election to be called and held, and said bonds, if authorized, to be

issued, sold and made payable in the manner and form prescribed by section four thousand and eighty-eight of this code. Said boards shall also have power to maintain public boulevards, established and laid out under the provisions of this title, and to make and enforce rules and regulations for the protection, management, control and use of such boulevards.

14. To maintain, regulate, and govern public pounds, fix the limits within which animals shall not run at large, and appoint poundkeepers, who shall be paid out of the fines imposed and collected from the owners of impounded animals, and from no other source. Public pounds.

15. To equalize assessments. Equalize assessments.

16. To direct and control the prosecution and defense of all suits to which the county is a party, and, by a two-thirds vote of all the members, may employ counsel to assist the district attorney in conducting the same. Employ counsel.

17. To insure the county buildings and other property in the name of and for the benefit of the county. Insure buildings.

18. To establish a salary fund, and such other county funds as they may deem necessary for the proper transaction of the business of the county, and to transfer moneys from one fund to another, as the public interest may require. Establish funds.

19. To fill, by appointment, all vacancies that may occur in any office filled by the appointment of the board of supervisors and elective county or township officers, except in those of judge of the superior court and supervisor, the appointee to hold office for the unexpired term or until the next general election. Fill vacancies.

19a. To employ the copyists necessary to reproduce any of the county records that may be in danger of destruction by age, obliteration, or constant use in any of the county offices. Employ copyists.

19b. To employ a purchasing agent, whose duties shall be to purchase for the county, and the offices thereof, all stationery, clothing, bedding, groceries, provisions, drugs, medicines and all other supplies, the same to be purchased only upon a proper requisition therefor. Also to employ for said purchasing agent such assistants as may be necessary for him to properly fulfill his duties. Employ purchasing agent.

20. To make and enforce such rules and regulations for the government of their body, the preservation of order, and the transaction of business, as may be necessary. Make rules.

21. To adopt a seal for the board, a description and impression of which must be filed in the office of the county clerk and of the secretary of state. Seal.

22. To license, in the exercise of their police powers, and for the purpose of regulation, as herein provided, and not otherwise, all and every kind of business not prohibited by law, and transacted and carried on within the limits of their respective jurisdictions, and all shows, exhibitions, and lawful games carried on therein, to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise; *provided*, that every honorably discharged soldier, sailor, or marine of the United States, who is unable to obtain Licenses.

a livelihood by manual labor, shall have the right to hawk, peddle and vend any goods, wares or merchandise, except spirituous, malt, vinous or other intoxicating liquor, without payment of any license, tax or fee whatsoever, whether municipal, county or state, and the board of supervisors or legislative body shall issue to such soldier, sailor or marine, without cost, a license therefor; *provided, however*, no license can be collected, or any penalty for the non-payment thereof enforced against any commercial traveler whose business is limited to the goods, wares, and merchandise sold or dealt in in this state at wholesale.

Gophers. 23. To provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects injurious to fruit or fruit trees, or vines, or vegetable or plant life.

Dog tax. 24. To provide for the prevention of injuries to sheep by dogs, and to tax dogs and direct the application of the tax.

Protection of fish and game. 25. To provide, by ordinances not in conflict with the general laws of the state, for the protection of fish and game, and may shorten the season for the taking or killing of fish and game, within the dates fixed by the general state laws, but shall not lengthen the same.

Working of prisoners. 26. To provide for the working of prisoners confined in the county jail, under judgment of conviction of misdemeanor, under the direction of some responsible person, to be appointed by the sheriff, whose compensation shall not exceed one hundred dollars per month, upon the public grounds, roads, streets, alleys, highways, or public buildings, or in such other places as may be deemed advisable, for the benefit of the county.

Indigent dead. 27. To provide for the burying of the indigent dead.

Sanitary laws. 28. To make and enforce, within the limits of their county, all such local police, sanitary, and other regulations as are not in conflict with general laws.

Powder. 29. To adopt such rules and regulations, within their respective counties, with regard to keeping and storing of every description of gunpowder, Hercules powder, giant powder, or other explosive or combustible material, as the safety and protection of the lives and property of individuals may require.

Inducing immigration. 30. To appropriate from the general fund of the county, unless otherwise in this title provided, not to exceed, in counties of the first and second class, the sum of three thousand dollars, and in all other counties the sum of two thousand dollars in any one year, to aid in or carry on the work of inducing immigration thereto, or for the purpose of exhibiting or advertising the agricultural, mineral, manufacturing, or other resources of the county.

Width of wagon tires. 31. To enforce, by ordinance, within the limits of their counties, all such regulations concerning the size of wagons and vehicles of all kinds to be used on the roads or highways, and the width of tires on the same, as are not in conflict with general laws.

Franchises. 32. To grant licenses and franchises for constructing, keeping and taking tolls on roads, bridges, ferries, wharves, chutes, booms, and piers, and to grant franchises along and over the

public roads and highways for all lawful purposes, upon such terms and conditions and restrictions as in their judgment may be necessary and proper, and in such manner as to present the least possible obstruction and inconvenience to the traveling public.

33. To grant, on such terms, conditions, and restrictions as in their judgment may be necessary and proper, licenses and franchises for taking tolls on public roads or highways, whenever in their judgment the expense necessary to operate or maintain such public roads or highways as free public highways is too great to justify the county in so operating or maintaining them. It shall always be a condition attached to the granting of such licenses and franchises, that such roads or highways shall be kept in reasonable repair by the person or persons to whom such licenses or franchises may be granted.

Toll roads.

34. To enact ordinances and regulations for the construction, alteration, repair, and control of all public roads and highways in the county, unless otherwise provided by law.

Control of roads. —

35. To levy a special road fund tax, not to exceed two (2) mills on the one dollar of assessed valuation, on all the property in such counties, outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be expended for the construction and maintenance of the main public roads or county highways in the several road districts, in proportion to the amount collected from such districts; *provided*, that in addition to the tax mentioned in this subdivision the board of supervisors shall have the power and it shall be their duty, upon the petition of a majority of the property owners of any road district, to levy a special road fund tax not to exceed two mills on the one dollar of assessed valuation on all the property in such road district, to be expended in the maintenance of the public roads in such district.

Special road tax.

To levy a special sanitary tax, not to exceed one half ($\frac{1}{2}$) mill on the one dollar of assessed valuation, on all the property in such counties, outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be used to prevent the introduction of dangerous, infectious or communicable diseases and to eradicate them if introduced, and for the purpose of general sanitation.

Sanitary tax.

36. To encourage, under such regulations as they may adopt, the planting and preservation of shade and ornamental trees on the public roads and highways, and on and about the public grounds and buildings of the county, and pay to persons planting and cultivating the same, for every living tree thus planted, at the age of four years, a sum not exceeding one dollar.

Tree planting on highways.

37. To provide by ordinance for the organization and government of districts, to protect and preserve the banks of rivers and streams and lands lying contiguous thereto from injury by overflow or the washing thereof, and to provide for the improvements of said rivers and streams, and prevent the obstruc-

Improvement of rivers.

tion thereof, and to provide for the assessment, levy, and collection within such districts of a tax thereof.

Tax for forest protection.

To appropriate a sum not exceeding two cents per one hundred dollars of the assessed valuation of their county in any one year, in addition to any sum which may be chargeable to the county for the repayment of money expended by the state for protection against fire in such county, for the purpose of protecting forest, brush and grass lands therein, against fire or other injury, and of aiding the state and federal authorities in forestry work.

Other acts and things.

38. To do and perform all other acts and things required by law not in this title enumerated, or which may be necessary to the full discharge of the duties of the legislative authority of the county government.

CHAPTER 436.

An act to amend section 4286 of the Political Code of the State of California, relating to salaries and fees of county and township officers of counties of the fifty-seventh class.

[Approved March 25, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4286 of the Political Code of the State of California, is hereby amended to read as follows:

Salaries in counties of fifty-seventh class (Alpine).

4286. In counties of the fifty-seventh class the county and township officers shall respectively receive, as compensation for services required of them by law, or by virtue of their office, the following salaries and compensation, to wit:

1. The county clerk, five hundred dollars per annum.
2. The sheriff, seven hundred dollars per annum.
3. The recorder, five hundred dollars per annum.
4. The auditor, two hundred dollars per annum.
5. The treasurer, three hundred dollars per annum.
6. The tax collector, three hundred dollars per annum.
7. The assessor, three hundred dollars per annum.
8. The district attorney, one thousand dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, two hundred dollars per annum.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

Justices of the peace.

14. Constables, such fees as are now or may hereafter be allowed by law. Constables.

15. Each supervisor, five dollars per day when the board is in session, and twenty cents per mile for traveling from his residence to the county seat, going only, and only one milage shall be allowed for any regular session of the board; and when serving as road commissioner, three dollars per day. Such per diem not to exceed the total sum of fifty dollars per annum. *Provided, however,* that five per cent only shall be allowed the sheriff or tax collector as fees for collecting licenses in counties of this class. Supervisors.
Fees for license taxes.

CHAPTER 437.

An act to amend section 4260 of the Political Code of California relating to salaries and fees of officers of counties of the thirty-first class.

[Approved March 25, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4260 of the Political Code of California is hereby amended to read as follows:

4260. In counties of the thirty-first class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: Salaries in counties of thirty-first class (Yolo).

1. The county clerk, three thousand dollars per annum, and when a new great register of voters is required by law to be made, he shall receive five hundred dollars additional, which shall be in full for all services required in registering voters and making the great register.

2. The sheriff, four thousand five hundred dollars per annum.

3. The recorder, two thousand five hundred dollars per annum.

4. The auditor, two thousand dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, twelve hundred dollars per annum.

7. The assessor, three thousand dollars per annum.

8. The district attorney, two thousand three hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The county surveyor shall be allowed ten dollars per day for the time he is engaged in county work, for which per diem he shall also furnish all necessary instruments and his transportation expenses while engaged in field work for the county.

Justices of
the peace.

13. Justices of the peace, the following monthly salaries, to be paid each month as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of twenty-five hundred and more, sixty-five dollars; in townships having a population of fifteen hundred and less than twenty-five hundred, forty dollars; in townships having a population of one thousand and less than fifteen hundred, twenty-five dollars; in townships having a population of less than one thousand, ten dollars. Each justice must pay into the county treasury, once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as are now or may hereafter be allowed by law, for all services performed by him in civil actions. In all townships having a population of less than twenty-five hundred if there be more than one justice, the compensation allowed herein shall be equally divided between them so that the sum total of their monthly compensation shall not exceed the salary allowed herein for a single justice in such township.

Con-
stables.

14. Constables, the following salaries, which shall be paid monthly as salaries of county officers are paid, and shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of twenty-five hundred or more, seventy dollars; in townships having a population of fifteen hundred and less than twenty-five hundred, forty-five dollars; in townships having a population of one thousand and less than fifteen hundred, thirty dollars; in townships having a population of less than one thousand, fifteen dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all the services performed by him in civil actions. In all townships having a population less than twenty-five hundred, if there be more than one constable, the compensation herein allowed shall be equally divided between them, so that the sum total of their monthly compensation shall not exceed the salary allowed herein for a single constable in such township.

Determi-
nation of
popula-
tion.

The board of supervisors shall, during each and every year, ascertain and determine the population of the several townships of the county for the purposes of ascertaining the compensation of township officers regulated by this section, in proportion to their duties.

Super-
visors.

15. Each supervisor, twelve hundred dollars per annum for all services performed by him as supervisor, member of the board of equalization and road commissioner.

Sec. 2. This act shall take effect January 1, 1911.

CHAPTER 438.

An act to amend section 4300g of the Political Code of the State of California relating to witness fees.

[Approved March 25, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4300g of the Political Code of the State of California is hereby amended to read as follows:

4300g. Witness' fees, except as in this title otherwise provided: Witness fees.

For each day's actual attendance, when legally required to attend upon the superior court, per day, two dollars in civil cases and one dollar and fifty cents in criminal cases.

Mileage actually traveled, one way only, per mile, ten cents; Mileage.
provided, however, that in criminal cases such per diem and mileage shall only be allowed upon a showing to the court, by the witness, that the same are necessary for the expenses of the witness in attending, and the court shall determine the necessity for the same, and may disallow any fees to a witness unnecessarily subpoenaed.

For each day's actual attendance, when legally required to attend before a grand jury, one dollar and fifty cents per day.

For each mile actually traveled in attending as such witness before a grand jury, one way only, ten cents.

For each day's attendance upon a justices' court, in civil cases only, when legally required to attend, per day, one dollar.

For each mile actually traveled, in civil cases only, in a justices' court, in going only, ten cents.

Witnesses in civil cases may demand the payment of their mileage and fees for one day, in advance, and when so demanded shall not be compelled to attend until the same shall have been paid. Witnesses in civil cases.

CHAPTER 439.

An act to amend section 4285 of the Political Code of the State of California, relating to salaries and fees of county and township officers of counties of the fifty-sixth class.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4285 of the Political Code of the State of California, is hereby amended to read as follows:

Salaries in
counties of
fifty-sixth
class
(Mono).

4285. In counties of the fifty-sixth class the county and township officers shall respectively receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries and compensation, to wit:

1. The county clerk, twelve hundred dollars per annum.

2. The sheriff, twenty-six hundred dollars per annum.

3. The recorder, six hundred dollars per annum. In counties of this class the recorder may appoint a copyist for service in his office, which office of copyist for the county recorder is hereby created, and said copyist shall receive as compensation for his services fifty per cent of the amount collected in said office during his period of service for filing and recording mining locations and affidavits of assessment work.

4. The auditor, two hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, five hundred dollars per annum.

7. The assessor, twelve hundred dollars per annum.

8. The district attorney, twelve hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, four hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Justices of
the peace.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

Con-
stables.

14. Constables, such fees as are now or may be hereafter allowed by law.

Super-
visors.

15. Each member of the board of supervisors, six dollars per day during session, and thirty cents per mile one way to board meeting; three dollars per day (no mileage) as road commissioner when actually engaged in road business.

Official
reporter.

16. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, a per diem of eight dollars; and for transcription of said notes, when

required during the progress of the trial, he shall receive the sum of twenty cents per folio for the original and five cents per folio for one copy; but if such transcription is not required until after conclusion of trial, then he shall receive the sum of ten cents per folio for original, and three cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

17. Juror's fees in criminal cases shall be as follows: For Jurors. attending as a grand juror or a trial juror in the superior court, in criminal cases only, for each day's attendance, per day, three dollars; for each mile actually traveled in attending court as such juror under summons or under order of court, in criminal cases, in going only, per mile, thirty cents, and the county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror, and the auditor shall draw his warrant therefor and the treasurer shall pay the same.

CHAPTER 440.

An act to amend section 4131 of the Political Code of California, relating to the recording of instruments.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4131 of the Political Code of California is hereby amended to read as follows:

4131. He must, upon the payment of his fees for the same, record, separately, in a fair hand, or typewriting, in large and well-bound separate books, either sewed books or an insertable leaf, which when placed in the book can not be removed: What to be recorded.

1. Deeds, grants, transfers, and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate, and leases which have been acknowledged or proved.

2. Mortgages of personal property.

3. Certificates of marriage and marriage contracts.

4. Wills admitted to probate.

5. Official bonds.

6. Notices of mechanic's liens.

7. Transcripts of judgments, which by law are made liens upon real estate in this state.

8. Notices of attachments upon real estate.

9. Notices of the pendency of an action affecting real estate, the title thereto, or the possession thereof.

What to be
recorded.

10. Instruments describing or relating to the separate property of married women.
11. Notices of preëmption claims.
12. Births and deaths.
13. Certified copies of decrees and judgments of courts of record; and,
14. Such other writings as are required or permitted by law to be recorded.

CHAPTER 441.

An act to amend section 4187 of the Political Code of the State of California, relating to the duties of constables.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4187 of the Political Code of the State of California is hereby amended to read as follows:

Duties of
con-
stables.

4187. Constables must attend the courts of justices of the peace within their township whenever so required, and within their counties execute, serve and return all writs, processes and notices directed or delivered to them by justices of the peace of such county, or by any competent authority. Constables shall charge and collect for their services such fees as are now or may hereafter be allowed by law.

CHAPTER 442.

An act to amend section four thousand two hundred thirty-eight of the Political Code of the State of California, relating to the compensation of officers of counties of the ninth class.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand two hundred thirty-eight of the Political Code of the State of California is hereby amended to read as follows:

Salaries in
counties of
ninth
class (San
Diego).

4238. In counties of the ninth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be, and there hereby is allowed to the county clerk one chief deputy, who shall receive a salary of one thousand eight hundred dollars per annum; one registration clerk, who shall receive a salary of one thousand two hundred dollars per annum; two court clerks, who shall receive salaries of one thousand five hundred dollars each per annum; one deputy who shall receive a salary of one thousand two hundred dollars per annum; and one judgment clerk who shall receive a salary of nine hundred dollars per annum.

Salaries in counties of ninth class (San Diego).

2. The sheriff, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff one undersheriff, whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum, and the following deputies and employees: One deputy, who shall be head jailer, and who shall receive the salary of one thousand five hundred dollars per annum; three deputies, one of whom shall be assistant jailer, and who shall receive salaries of one thousand two hundred dollars per annum each; one deputy, who shall be assistant jailer, and who shall receive the salary of nine hundred dollars per annum; one stenographer, who shall receive the salary of nine hundred dollars per annum.

In counties of this class there shall be a matron of the county jail, to be appointed by the sheriff, and who, under the direction of the sheriff, shall have charge of all female prisoners in the county jail, and who shall receive the salary of nine hundred dollars per annum, to be paid by the county in monthly instalments at the same time, in the same manner, and out of the same fund as is the salary of the sheriff.

In counties of this class the sheriff shall be allowed by the board of supervisors his actual necessary expenses for pursuing criminals or for transacting all criminal business, and his actual necessary expenses for service of all process and notices, and each and all such expenses shall be a charge against the county and allowed by the board of supervisors, and paid as other county charges are paid.

3. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies and copyists, who shall be appointed by the recorder of said county, and shall be paid as follows: One chief deputy, at a salary of one hundred and fifty dollars per month; one index deputy, at a salary of one hundred dollars per month, and one deputy at a salary of seventy-five dollars per month, and as many copyists as may be required, who shall receive as compensation the sum of five cents per folio for recording any instrument or notice except maps or plats, and for copies of any records or papers, five cents per folio. The salaries of all deputies and copyists herein provided for shall be paid by the county in monthly instalments, at the same time and in the

Salaries in
counties of
ninth
class (San
Diego).

same manner, and out of the same fund as the salary of the county recorder is paid.

4. The auditor, three thousand six hundred dollars per annum; *provided*, that there is hereby allowed to the auditor the following deputies: One chief deputy, who shall receive a salary of one thousand eight hundred dollars per annum; one deputy, who shall receive a salary of one thousand two hundred dollars per annum, and one deputy, who shall receive a salary of nine hundred dollars per annum.

5. The treasurer, three thousand six hundred dollars per annum, and one deputy who shall receive a salary of one thousand five hundred dollars per annum.

6. The tax collector, three thousand six hundred dollars per annum and such fees as are allowed by law; one chief deputy, who shall receive a salary of one thousand eight hundred dollars per annum; two deputies who shall receive salaries of one thousand two hundred dollars each per annum; one deputy, who shall receive a salary of one thousand dollars per annum, and one stenographer, who shall receive a salary of nine hundred dollars per annum. The tax collector may also employ six clerks for a period not to exceed six months in any one year, at a salary of four dollars per day for each day employed.

7. The license tax collector, eighteen hundred dollars per annum.

8. The assessor, three thousand six hundred dollars per annum; one chief deputy, who shall receive the salary of one thousand eight hundred dollars per annum; one deputy who shall receive a salary of one thousand two hundred dollars per annum; two deputies during six months of each year, who shall receive one hundred dollars each per month; one deputy during five months of each year, who shall receive one hundred dollars per month; four deputies during four months of each year, who shall receive one hundred dollars each per month; and the assessor in counties of this class may, during the year 1911 and every fourth year thereafter, appoint six clerks, who shall serve for a period of not to exceed four months in any of said years, and said clerks shall receive as compensation the sum of eighty dollars each per month. The assessor may also appoint such number of field deputies as he shall deem necessary, whose salaries shall be paid by the assessor out of the fees and commissions allowed him by law. The assessor may also appoint such number of field and office deputies as he shall deem necessary, whose salaries shall be payable by the assessor out of the fees and commissions allowed him by law.

9. The district attorney, four thousand dollars per annum; also one assistant district attorney, who shall receive a salary of two thousand five hundred dollars per annum; one deputy district attorney, who shall receive a salary of one thousand five hundred dollars per annum, and a second deputy district attorney who shall receive a salary of one thousand two hundred dollars per annum, and one stenographer, who shall receive a salary of nine hundred dollars per annum.

10. The superintendent of public schools, two thousand five hundred dollars per annum; also one deputy, at a salary of one thousand two hundred dollars per annum and one bookkeeper at the salary of seventy-five dollars per month. Salaries in counties of ninth class (San Diego).

11. The public administrator, such fees as are now or may hereafter be allowed by law.

12. The coroner, seventy-five dollars per month, and in addition thereto the board of supervisors shall allow the coroner his actual traveling expenses in the performance of his official duties within the county when called away from the county seat.

13. The surveyor, three thousand dollars per annum; also one deputy, who shall receive a salary of one thousand five hundred dollars per annum; two draughtsmen, who shall receive salaries of ninety dollars each per month; and such number of chainmen as may be necessary for field work, who shall receive a compensation of three dollars per day when at work in the field.

14. Constables, in civil cases such fees as are now or may hereafter be allowed by law; and in criminal cases in townships having a population of sixteen thousand or more, in lieu of fees now allowed by law, the sum of one hundred dollars per month; and in all townships having a population of less than sixteen thousand, such fees as are now or may hereafter be allowed by law; *provided, however*, that no constable in such township shall be allowed in any one month out of the county treasury more than one hundred dollars as fees in misdemeanor cases; *provided further*, that in such townships they shall receive for each day's attendance in criminal cases when required by the justice to be present two dollars per day; *provided further*, that in all townships the constables thereof shall be allowed actual traveling expenses only, in lieu of mileage, for taking prisoners to the county jail. Constables.

15. Justices of the peace, in all townships having a population of sixteen thousand or more, one hundred and fifty dollars per month in full of all compensation in both civil and criminal cases; in townships having a population of less than sixteen thousand such fees as are now or may hereafter be allowed by law; *provided, however*, that no justices of the peace in such townships shall be allowed in any one month out of the county treasury more than one hundred dollars in misdemeanor cases. Justices of the peace.

The board of supervisors of such county shall furnish the township justice of the peace and the constables in townships having a population of sixteen thousand or more with suitable court room and furniture for said justice of the peace, and an office with necessary and proper furniture therefor, for each of said constables.

16. Each member of the board of supervisors, one thousand dollars per annum, and fifteen cents per mile in going from his residence to the county seat at each meeting of the board; also five hundred dollars per annum each, and mileage now allowed by law, for serving as road commissioner. Supervisors.

Work of
prior
officers.

17. In any office in counties of the ninth class, when the work of said office has not been brought down to date, and was in such condition when the present incumbent was inducted into office, the board of supervisors may authorize said incumbent to perform the labors that should have been performed by his predecessors in office, and for that purpose may authorize said incumbent to employ special clerical help, at a compensation to be fixed by the board of supervisors, at so much per diem; *provided*, that the provisions herein shall apply only to work that should have been done by the incumbent's predecessor in office.

Deputies.

18. The deputies mentioned in this section are hereby allowed to the respective county officers named, who shall appoint the same, and said deputies shall be paid by the counties of this class in monthly installments, at the same time, in the same manner, and out of the same fund as the salaries of the county officers are paid.

CHAPTER 443.

An act to add a new section to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five a, relating to the compensation of the county officers in counties of the thirty-sixth and one-half class.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code of the State of California, to be known as section four thousand two hundred and sixty-five a, and to read as follows:

Salaries in
counties of
thirty-
sixth and
one-half
class
(Imperial).

4265a. In counties of the thirty-sixth and one-half class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, two thousand four hundred dollars per annum; also one deputy, who shall receive a salary of nine hundred dollars per annum.

2. The sheriff, five thousand dollars per annum and all mileage now allowed by law.

3. The recorder, two thousand dollars per annum; *provided*, that in counties of this class the recorder may employ as many copyists as may be required, who shall receive as compensation the sum of five cents per folio for recording any instrument or notice except maps or plats, and for copies of any records or papers, five cents per folio. The salaries of 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.

Salaries in counties of thirty-sixth and one-half class (Imperial).

4. The auditor, one thousand eight hundred dollars per annum.

5. The treasurer, one thousand eight hundred dollars per annum.

6. The tax collector, one thousand eight hundred dollars per annum, and five per cent on all licenses collected by him as license collector.

7. The assessor, three thousand dollars per annum.

8. The district attorney, two thousand five hundred dollars per annum; also one deputy, who shall receive a salary of one thousand two hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. The superintendent shall be allowed one deputy for a period of not exceeding ten months in any one year, which said deputy shall be allowed a salary of seventy-five dollars per month, to be paid at the same time and in the same manner as other county officers.

12. The surveyor, one thousand five hundred dollars per annum, which shall be in full for all services required of him by the superior court or the board of supervisors; *provided*, that he shall be entitled to receive from the county his actual expenses incurred in the performance of any order of the court or the board of supervisors; *provided further*, that whenever the surveyor is directed by the board of supervisors to plat, trace or otherwise prepare maps, plats or block books for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.

13. Justices of the peace shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases; in townships having a population of more than four thousand, fifty dollars per month; in townships having a population of less than four thousand and more than twenty-five hundred, thirty dollars per month; in townships having a population of less than twenty-five hundred and more than six hundred, twenty dollars per month; and in all civil cases such fees as are now or may hereafter be allowed by law.

Justice of the peace.

14. Constables shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases.

Constables.

In townships having a population of more than four thousand, fifty dollars per month; in townships having a population of less than four thousand and more than twenty-five

hundred, thirty dollars per month; in townships having a population of less than twenty-five hundred and more than six hundred, twenty dollars per month; and in all civil cases, such fees as are now or may hereafter be allowed by law.

Constables shall also be allowed by the board of supervisors, in criminal cases only, necessary traveling expenses, and necessary expenses of conveying criminals and persons charged with crime.

Super-
visors.

15. Each supervisor, twelve hundred dollars per annum, which shall be in full for all services as supervisor and road commissioner for each year. Said salary of twelve hundred dollars shall be payable monthly.

Ascertain-
ment of
popula-
tion.

16. For the purpose of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors by multiplying by five the vote cast for governor in each township at the general election next preceding.

CHAPTER 44.

An act amending the Political Code of the State of California by adding thereto a new section to be known as section 3443a, relating to the tide lands of the state and to the sale and purchase thereof.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code of the State of California to be known as section 3443a, relating to the tide lands of the state and to the sale and purchase thereof, and to read as follows:

What are
tide lands.

3443a. The words "tide lands" mentioned and described in sections thirty-four hundred and forty and thirty-four hundred and forty-three of this code shall not be held or construed to apply to or to include the shore, or any part thereof, or the bed, or any part thereof, of the ocean or of any navigable channel or stream or bay or inlet within the state, between ordinary high and low-water mark, and all such land over which the ordinary tide ebbs and flows is hereby withheld from sale. Nothing in this section shall be construed as a recognition that prior to the passage hereof, the tide lands by this section withheld from sale have been offered for sale by the state.

SEC. 2. This act shall take effect and be in force immediately from and after its passage.

CHAPTER 445.

An act to amend an act entitled "An act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending sections one, two, five, eight, eleven, twelve, thirteen, fifteen and sixteen thereof.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of an act entitled "An act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, is hereby amended to read as follows:

Section 1. Any person shall be deemed to be practicing optometry within the meaning of this act who shall display a sign, or in any way advertise himself as an optician or optometrist, or who shall employ any means for the measurement of the powers of vision, or the adaption of lenses for the aid thereof, or who shall, in the sale of spectacles or eyeglasses or lenses, use in the testing of the eyes therefor, lenses other than the lenses actually sold. Practice of optometry defined.

SEC. 2. Section two of that certain act of the legislature of the State of California more particularly designated and described in section one hereof, is hereby amended so as to read as follows:

Section 2. It shall be unlawful for any person to engage in the practice of optometry in the State of California unless such person shall have obtained a certificate of registration from the California state board of examiners in optometry, as hereinafter provided. Registration required.

SEC. 3. Section five of that certain act of the legislature of the State of California more particularly designated and described in section one hereof, is hereby amended so as to read as follows:

Section 5. Every person, before beginning to practice optometry in this state after the passage of this act, shall pass an examination before said board of examiners. Such examination shall be confined to such knowledge as said board deems essential to the practice of optometry. Examinations shall be given by the board at least four times in each year, the first examination to begin on the second Monday in March, and to be held in San Francisco, California; the second to begin on the second Monday in June, and to be held in Los Angeles, California; the third examination to begin on the second Monday in September, and to be held in San Francisco, California, and the fourth examination to begin on the second Monday in December, and to be held in Los Angeles, California. Any person desiring to be examined by said board must fill out and Examinations.

swear to an application furnished by the board, and must file the same with the secretary of said board at least two weeks prior to the holding of an examination which the applicant is desirous of taking. Each applicant on making application shall pay to the secretary of the board a fee of twenty dollars, which shall be for the use of said board. All persons successfully passing such examinations shall be registered in the board register, which shall be kept by said secretary, as licensed to practice optometry, and shall receive a certificate of such registration, to be signed by the president and secretary of said board, upon the payment to the secretary of said board of the sum of five dollars, which said sum shall be for the use of said board.

Fee for.

SEC. 4. Section eight of that certain act of the legislature of the State of California, more particularly designated and described in section one hereof, is hereby amended so as to read as follows:

Certificate of registration to be recorded.

Section 8. All recipients of said certificate of registration shall present the same for filing to the clerk of the county in which they reside, and shall pay a fee of fifty cents to the clerk for recording the same. Said clerk shall record said certificate in a book to be provided by him for that purpose. Any person so licensed removing his residence from one county to another in this state, shall, before engaging in the practice of optometry in such other county, obtain from the clerk of the county in which said certificate of registration is recorded a certified copy of such certificate of registration, and shall, before commencing practice in such county, file the same for record with the clerk of the county to which he removes, and pay the clerk of said county for recording the same a fee of fifty cents. Any failure, neglect, or refusal on the part of any person holding such certificate of registration, or certified copy of such certificate of registration, to record the same, as hereinbefore provided, for six months after the issuance of said certificate of registration, or from the date of removal of residence shall ipso facto work the forfeiture of his certificate of registration, and it shall not be restored except upon the payment of twenty-five dollars to the California state board of examiners in optometry.

SEC. 5. Section eleven of that certain act of the legislature of the State of California, more particularly designated and described in section one hereof, is hereby amended so as to read as follows:

Disposition of funds.

Section 11. Out of the funds coming into the possession of said board, each member thereof may receive as compensation, the sum of ten dollars for each day actually engaged in the duties of his office, and mileage at five cents per mile for all distances necessarily traveled in going to and coming from the meetings of the board. Said expense shall be paid from the fees and assessments received by the board under the provisions of this act, and no part of the salary or other expense of the board shall ever be paid out of the state treasury. All moneys received in excess of said per diem allowance and

mileage as above provided for shall be held by the secretary as a special fund for meeting the expense of said board and carrying out the provisions of this act, and he shall give such bonds as the board shall from time to time direct, and the said board shall make an annual report of its proceedings to the governor on the first Monday in January of each year, which report shall contain an account of all moneys received and disbursed by them pursuant to this act.

SEC. 6. Section twelve of that certain act of the legislature of the State of California, more particularly designated and described in section one hereof, is hereby amended so as to read as follows:

Section 12. Every registered optometrist who desires to continue the practice of optometry in this state, shall annually, on or before the first day of August of each year, pay to the secretary of said board a registration fee to be fixed by the board, and which shall in no case exceed the sum of five dollars per annum, for which he shall receive a renewal of such registration, and in case of the default of such payment by any person, his certificate shall be revoked by the board of examiners, on twenty days' notice in writing by the secretary of the time and place of considering such revocation, and the deposit of said notice in the United States post office, addressed to the person at his last known place of residence or business, and the postage prepaid thereon, shall be due and legal service of such notice, but no certificate shall be revoked for such non-payment if the person so notified shall pay before or at the time of consideration of said revocation his fee and such penalty as may be imposed by said board; *provided* that said board may impose a penalty not exceeding ten dollars upon persons so notified as a condition for allowing certificates to stand valid. Any person whose certificate of registration has been revoked for failure to pay his renewal fee, as herein provided, may apply to have the same re-granted, and the same shall be re-granted to him upon his paying to the board all renewal fees that should have been paid had the certificate of registration not been revoked, together with a penalty of twenty-five dollars.

Annual
registration
fee.

SEC. 7. Section thirteen of that certain act of the legislature of the State of California, more particularly designated and described in section one hereof, is hereby amended to read as follows:

Section 13. Any person registered as provided for in this act may have his certificate of registration revoked or suspended by the California state board of examiners in optometry for any of the following causes:

Revoca-
tion of
certificate.

1. His conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction, or a certified copy thereof certified by the clerk of the court, or by the judge in whose court the conviction is had, shall be conclusive evidence.

2. When his certificate of registration has been secured by fraud or deceit practiced upon the board.

3. For unprofessional conduct, or for gross ignorance or inefficiency in his profession. Unprofessional conduct shall mean employing what are known as "cappers" or "steerers" to obtain business; the obtaining of any fee by fraud or misrepresentation; employing, directly or indirectly, any suspended or unlicensed optician or optometrist to perform any work covered by this act; the advertising of optical business or treatment or advice in which untruthful, improbable, or impossible statements are made; or habitual intemperance, or gross immorality.

4. When the holder is suffering from a contagious or infectious disease.

Notice of hearing.

Provided, however, that before any certificate shall be so revoked or suspended the holder thereof shall have notice in writing of the charge or charges against him, and at a date specified in said notice at least five days after the service thereof, be given a public hearing, and have an opportunity to produce testimony in his favor, and to confront the witnesses against him. Any person whose certificate has been suspended may, after the expiration of ninety days, apply to have the same re-granted, and the same shall be re-granted him upon a satisfactory showing that the disqualification has ceased.

SEC. 8. Section fifteen of that certain act of the legislature of the State of California, more particularly designated and described in section one hereof, is hereby amended so as to read as follows:

Jurisdiction of courts.

Section 15. All justices of the peace and the respective municipal courts shall have jurisdiction of violations of this act. It shall be the duty of the respective district attorneys to prosecute all violations of this act, and it shall be the duty of police officers, sheriffs, constables and marshals to report any violations of this act to the secretary of the California state board of examiners in optometry, and render such assistance to the board, or an officer thereof, as they may be called upon to perform.

SEC. 9. Section sixteen of that certain act of the legislature of the State of California, more particularly designated and described in section one hereof, is hereby amended so as to read as follows:

Does not apply to whom.

Section 16. Nothing in this act shall be construed to apply to physicians or surgeons authorized to practice under the laws of the State of California, nor to persons who sell spectacles or eyeglasses, or lenses as merchandise.

CHAPTER 446.

An act to provide for the appointment of a commission to carry out the work mentioned and provided for in an act entitled, "An act authorizing the governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the senate and assembly of the thirty-sixth session of the legislature of the State of California, of which commission the governor shall be ex officio a member and chairman, to investigate the system of revenue and taxation in force in this state, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers and making an appropriation therefor," approved March 20, 1905, and making an appropriation therefor.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The governor of this state is hereby authorized and empowered to appoint one person versed in matters relating to taxation, and a secretary, who shall be an expert on the science of finance and taxation, to carry on the work provided for in an act of the legislature of the State of California entitled "An act authorizing the governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the senate and assembly of the thirty-sixth session of the legislature of the State of California, of which commission the governor shall be ex officio a member and chairman, to investigate the system of revenue and taxation in force in this state, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission and to define its powers and making an appropriation therefor," approved March 20, 1905, and the persons so appointed shall carry on the work mentioned in this section and shall constitute said commission and the governor shall be ex officio chairman thereof.

Expert on public finance, appointment of.

SEC. 2. The sum of five thousand dollars or so much thereof as may be necessary is hereby appropriated out of any moneys in the state treasury not otherwise appropriated for the purpose of carrying on the work mentioned and provided for in this act; said money shall be expended and used for the purpose of paying the necessary expenses of the members of said commission while engaged in the performance of their duties, and for the salary of the expert herein mentioned, and for all necessary clerical, printing and other expenses connected with the work of carrying out the provisions of this act. The claims for each shall be audited and approved by the board of examiners, in the manner provided by law, and when so approved, the state controller is authorized to draw his warrant therefor, and the treasurer is directed to pay the same.

Appropriation for commission.

SEC. 3. This act shall take effect immediately.

CHAPTER 447.

An act to add a new section to the Penal Code of California to be known as section 172a, relating to the selling, giving away, or exposing for sale of any vinous or alcoholic liquors upon or within one and one half miles of the university grounds of any university having an enrollment of more than one thousand students, more than five hundred of whom reside or lodge upon said university grounds.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section, to be known as section 172a, is hereby added to the Penal Code of California, to read as follows:

Sale of
liquors
near uni-
versity.

172a. Every person who, upon or within one and one half miles of the university grounds or campus, upon which are located the principal administrative offices of any university having an enrollment of more than one thousand students, more than five hundred of whom reside or lodge upon such university grounds or campus, sells, gives away, or exposes for sale, any vinous or alcoholic liquors, is guilty of a misdemeanor. *Provided, however,* that the provisions of this act shall not apply to nor prohibit the sale of any of said liquors by any regularly licensed pharmacist who shall maintain a fixed place of business in said territory, upon the written prescription of a physician regularly licensed to practice medicine under the laws of the State of California, when such prescription is dated by the physician issuing it, contains the name of the person for whom the prescription is written, and is filled for such person only and within forty-eight hours of its date. *Provided further,* that the provisions of this act shall not apply to nor prohibit the sale of any of said liquors for chemical or mechanical purposes.

SEC. 2. This act shall take effect July 1, 1909.

CHAPTER 448.

An act making an appropriation for the completion of repairs to the manor house at the California Home for the Care and Training of Feeble-Minded Children.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of managers of the California Home for the Care and Training of Feeble-Minded Children for the completion of repairs to the manor house at said home.

Appropriation.

Repairs to manor house, Sonoma State Home.

SEC. 2. The state controller is hereby directed to draw his warrant in favor of the board of managers of the California Home for the Care and Training of Feeble-Minded Children for the amount appropriated by section one of this act, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

CHAPTER 449.

An act to amend section four hundred and seventy-one of the Political Code of the State of California.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four hundred and seventy-one of the Political Code is hereby amended to read as follows:

471. The annual salary of the attorney general, to include all services rendered ex officio as member of any board or commission as now required, or which may be hereafter devolved upon him by law, is six thousand dollars.

Salary of attorney general.

SEC. 2. This act shall take effect immediately.

CHAPTER 450.

An act to amend section four hundred and fifty-five of the Political Code of the State of California.

[Approved March 25, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four hundred and fifty-five of the Political Code is hereby amended to read as follows:

Salary of
state
treasurer.

455. The annual salary of the state treasurer, to include all services rendered ex officio as member of any board or commission as now required, or which may be hereafter by law devolved upon him, is five thousand dollars.

SEC. 2. This act shall take effect immediately.

CHAPTER 451.

An act to amend section four hundred and thirty-eight of the Political Code of the State of California.

[Approved March 25, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four hundred and thirty-eight of the Political Code is hereby amended to read as follows:

Salary of
controller.

438. The annual salary of the controller, to include all services rendered ex officio as member of any board or commission as now required, or which may be by law hereafter devolved upon him, is five thousand dollars.

SEC. 2. This act shall take effect immediately.

CHAPTER 452.

An act to provide for the creation of a board of parole commissioners for each county in this state, for the paroling of prisoners confined in county jails, and authorizing and empowering such boards to make rules and regulations in relation thereto.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A board of parole commissioners consisting of the sheriff and district attorney is hereby created for each county in this state, who shall establish rules and regulations under which any prisoner who is now or hereafter may be imprisoned in the county jail of said county after judgment of conviction for the commission of a misdemeanor, may be allowed to go upon parole outside of the said jail, but to remain while on parole in the legal custody and under the control of the board establishing said rules and regulations, and subject at any time to be taken back within the enclosure of said jail; and full power to make and enforce such rules and regulations and retake and imprison any prisoner so upon parole is hereby conferred upon the said board hereinbefore mentioned, whose written order, shall be a sufficient warrant for all officers named therein to authorize such officer to return to actual custody any conditionally released or paroled prisoner, and it is hereby made the duty of all chiefs of police, marshals of cities and villages, and sheriffs of counties, and all police and peace officers and constables to execute any such order in like manner as ordinary criminal process. If any prisoner so paroled shall leave the county in which he was so imprisoned without permission from the board granting his parole, he shall be held as an escaped prisoner and arrested as such.

County
parole
commis-
sioners,
duties of.

SEC. 2. This act shall take effect immediately from and after its passage.

CHAPTER 453.

An act to amend section three hundred and ninety-seven of the Political Code of the State of California.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section three hundred and ninety-seven of the Political Code is hereby amended to read as follows:

Salary of lieutenant-governor.

397. The annual salary of the lieutenant-governor, to include all services rendered ex officio as member of any board or commission as now required, or which may be by law hereafter devolved upon him, is four thousand dollars.

SEC. 2. This act shall take effect immediately.

CHAPTER 454.

An act to amend the Political Code of the State of California by adding a new section to be numbered section four thousand one hundred and thirty-five a, validating improperly recorded instruments, and providing for the indexing thereof.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Records copied into wrong books, validation of.

SECTION 1. Whenever any instrument filed for record with the county recorder of any county in the State of California has been copied into a book of record other than that designated by law, but which said instrument has been or may hereafter be indexed in the proper book of indices, such instrument from the date of such indexing imparts notice of its contents to all persons, and subsequent purchasers, mortgagees, lienholders and incumbrancers purchase and take with like notice and effect as if such instrument had been copied or recorded in the proper book of record, notwithstanding that such instrument may have been copied into some book of record in the office of the county recorder where the same was filed for record other than that designated by law, provided the same was copied into some book of record kept in the office of the county recorder of the county where the same is entitled to record.

SEC. 2. This act shall take effect immediately.

CHAPTER 455.

An act to provide for the construction of a new laundry building at the Stockton State Hospital, and the purchase of such machinery and equipments as is necessary for the operation of the same and for the expense incurred in the removal of machinery from the old building to the new, and to make appropriation therefor.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of \$12,000 or so much thereof as may be necessary is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be paid to the board of managers of the Stockton State Hospital, to be by them expended as follows:

Appropriation.
Laundry building at Stockton State Hospital.

For the construction of a new laundry building at the Stockton State Hospital and purchasing of such machinery and equipments as is necessary for the operation of the same, and for the expense incurred in the removing of machinery from the old building to the new.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrants in favor of said board of managers for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1909.

CHAPTER 456.

An act to provide for the erection and furnishing of a convalescent cottage at the Stockton State Hospital farm and to make an appropriation therefor.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of \$35,000 or so much thereof as may be necessary is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of managers of the Stockton State Hospital, to be by them expended as follows:

Appropriation.
Convalescent cottage at Stockton State Hospital.

For the erection of one convalescent cottage—on the lands of the Stockton state hospital farm at Stockton, and the equip-

ping and furnishing the same with necessary furniture and fixtures.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrants in favor of said board of managers for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1909.

CHAPTER 457.

An act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and making an appropriation for the same.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.

Cottage for female patients.

SECTION 1. The sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the moneys of the state treasury not otherwise appropriated, to be paid to the board of managers of the Southern California State Hospital, to be by them expended as follows: For the construction and furnishing of a cottage for female patients at said hospital.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrants in favor of said board of managers in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 458.

An act to provide for the construction of storm drains and the completion of storm drains on the grounds of the Southern California State Hospital at Patton, and to make appropriation for the same.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of fourteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the moneys of the state treasury not otherwise appropriated, to be paid to the board of managers of the Southern California State Hospital, to be by them expended as follows: For the construction of storm drains and the completion of storm drains on the grounds of said hospital.

Appropriation.

Construction of storm drains.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrants in favor of said board of managers in such amounts and at such times as may be approved by the state board of examiners and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 459.

An act providing for the construction and furnishing of a cottage for female patients at the Southern California State Hospital at Patton, and to make appropriation for the same.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of forty thousand dollars or as much thereof as may be necessary, is hereby appropriated out of the moneys in the state treasury not otherwise appropriated, to be paid to the board of managers of the Southern California State Hospital, to be by them expended as follows: For the construction and furnishing of a cottage for female patients at said hospital.

Appropriation.

Cottage for female patients.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrants in favor of said board of managers in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 460.

An act providing for the enlarging and re-roofing of the laundry building at the Southern California State Hospital at Patton, and providing for additional machinery and remodeling, and making an appropriation for the same.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.

Improvement of laundry.

SECTION 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the moneys of the state treasury not otherwise appropriated, to be paid to the board of managers of the Southern California State Hospital, to be by them expended as follows: For the enlarging and re-roofing of the laundry building at said hospital and the purchasing of machinery and remodeling.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrants in favor of said board of managers in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 461.

An act to provide for the construction and furnishing of a one-story bungalow for the use of the first assistant physician at the Southern California State Hospital at Patton, and to make appropriations for the same.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.

Bungalow for assistant physician.

SECTION 1. The sum of four thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of the moneys of the state treasury not otherwise appropriated, to be paid to the board of managers of the Southern California State Hospital, to be by them expended as follows: For the construction and furnishing of a one-story bungalow for the use of the first assistant physician at said hospital.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrants in favor of said board of man-

agers in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 462.

An act to provide for the construction and furnishing of a second story upon that structure at the Southern California State Hospital at Patton called and known as "the congregate dining-room," and to make appropriation for the same.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of thirteen thousand seven hundred fifty dollars, or so much thereof as may be necessary, is hereby appropriated out of the moneys of the state treasury not otherwise appropriated, to be paid to the board of managers of the Southern California State Hospital to be by them expended as follows: For the construction and furnishing of a second story on that structure at the Southern California State Hospital at Patton called and known as the "congregate dining-room."

Appropriation.
Addition to "congregate dining-room" building.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrants in favor of the said board of managers in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 463.

An act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to develop the water supply at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of managers of the California Home for

Appropriation.
Water supply at Sonoma State Home.

the Care and Training of Feeble-Minded Children for the purpose of developing the water supply at said home.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the board of managers of the California Home for the Care and Training of Feeble-Minded Children for the amount appropriated by section one of this act, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

CHAPTER 464.

An act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to enlarge and repair the hospital building at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.
To enlarge hospital, Sonoma State Home.

SECTION 1. The sum of seventy-five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated for the purpose of enlarging and repairing the hospital building at the California Home for the Care and Training of Feeble-Minded Children.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the board of managers of the California Home for the Care and Training of Feeble-Minded Children for the amount appropriated by section one of this act, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

CHAPTER 465.

An act authorizing and directing the board of managers of the Agnews State Hospital to continue the work of replacing and reconstructing and reëquipping for the accommodation and treating of patients, buildings destroyed April 18, 1906, to appropriate the sum of two hundred fifteen thousand dollars therefor, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, and authorizing and directing the state controller to draw his warrant for the said sum, and the state treasurer to pay the same.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The board of managers of the Agnews State Hospital are hereby authorized and directed to continue the work of replacing and reconstructing at the grounds of the state hospital near Agnew, California, buildings destroyed April 18th, 1906, consisting of buildings for administration, treatment, commissary and for the occupancy of patients, employees and officers and to complete the furnishing and equipping of the same. Recon-
struction
work to be
continued.

SEC. 2. The sum of two hundred and fifteen thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to be expended for the purpose herein authorized and directed. Appropriation.

SEC. 3. The state controller is hereby authorized and directed to draw his warrant in favor of the board of managers of the Agnews State Hospital for the sum herein appropriated at such times and in such manner as the expenditure of the sum shall be required and the treasurer is directed to pay the same. Con-
troller's
warrants.

SEC. 4. The limitation upon the cost of buildings and equipment provided in section 2151 of the Political Code shall not apply to any construction authorized and directed by this act. Cost of
buildings.

SEC. 5. Of the moneys herein appropriated one hundred thousand dollars shall be available on and after July 1, 1909, and one hundred and fifteen thousand dollars on and after January 1, 1910. When
moneys
available.

SEC. 6. This act shall take effect and be in force from and after its passage.

CHAPTER 466.

An act to make an additional appropriation for the purpose of carrying out the provisions of an act entitled "An act to provide for the erection, equipping and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriations for the same," approved March 11, 1907.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Additional appropriation for erection of receiving cottages.

SECTION 1. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose of enabling the board of managers of the Southern California State Hospital to carry out the provisions of an act entitled "An act to provide for the erection, equipping and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriations for the same," approved March 11, 1907, which act appropriated the sum of forty-three thousand dollars for the erection, equipping and furnishing of two receiving cottages and a hydrotherapeutic building, and which sum has been found entirely inadequate to properly erect, equip and furnish said buildings in accordance with plans furnished by the state department of engineering.

SEC. 2. The controller of state is hereby directed to draw his warrants in favor of the board of managers of the Southern California State Hospital in such sums and at such times as may be approved by the state board of examiners, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

CHAPTER 467.

An act to provide for the completion of the hospital for insane at Folsom state prison, and making an appropriation therefor.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of thirty-nine thousand dollars (\$39,000.00), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the completion of the hospital for insane at Folsom state prison, partially completed under the provisions of chapter CCLVII of the statutes of California, passed at the thirty-sixth session of the legislature thereof.

Appropriation.

Completion of hospital at Folsom.

SEC. 2. The controller of state is hereby directed to draw his warrants for the money hereby appropriated at such times and in such amounts as may be approved by the state board of examiners, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1909.

CHAPTER 468.

An act to provide for the completion of the cottage at Mendocino State Hospital now in process of erection under the provisions of an act entitled "An act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor," approved March 22, 1907, and for the equipment of the same with apparatus for the treatment of acute cases by hydrotherapy, electricity, and all other modern methods, and to make an appropriation therefor.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of twelve thousand five hundred dollars (\$12,500), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be used for the completion of the cottage at Mendocino State Hospital now in process of erection under the provisions of an act entitled "An act to

Appropriation.

Completion of cottage.

provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor," approved March 22, 1907, and for the equipment of the same with apparatus for the treatment of acute cases by hydrotherapy, electricity and all other modern methods.

SEC. 2. The controller of state is hereby directed to draw his warrants in favor of the board of managers of the Mendocino State Hospital at such times and in such amounts as may be approved by the state board of examiners, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect from and after its passage and approval.

CHAPTER 469.

An act to amend section one of an act entitled "An act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, Cal., and making an appropriation therefor," approved March 11, 1907.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of an act entitled "An act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, Cal., and making an appropriation therefor," approved March 11, 1907, is hereby amended to read as follows:

Appropriation.

Section 1. The sum of seventy-five thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be paid to the board of managers of the California Home for the Care and Training of Feeble-Minded Children, and to be expended for the purposes hereinafter specified.

For addition to main building.

For the erection and construction of an addition to the present main buildings of the said home necessary or proper to complete the same according to a plan to be adopted by the said board of managers and approved by the state commission in lunacy, and for the furnishing of said addition; *provided*, that not more than seven thousand five hundred dollars (\$7,500) shall be expended for such furnishing.

Furnishing.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

CHAPTER 470.

An act to provide for the re-appropriation of the unexpended balance of money appropriated by an act entitled, "An act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children," approved March 7, 1905.

[Approved March 25, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of three hundred and sixty-seven and 67-100 dollars, the unexpended balance of money heretofore appropriated by the provisions of an act entitled, "An act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children," approved March 7, 1905, is hereby re-appropriated and is hereby directed to be expended in the purchase of apparatus to protect from fire the buildings of said home. The controller is hereby directed to draw his warrants for the said sum of three hundred and sixty-seven and 67-100 dollars as the same may be expended, and the state treasurer is hereby directed to pay the same.

Appropriation.

Purchase of fire apparatus.

SEC. 2. This act shall take effect immediately.

CHAPTER 471.

An act for the establishment in the city of Santa Barbara of a state normal school of manual arts and home economics, and making an appropriation therefor.

[Approved March 27, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby established in the city of Santa Barbara, county of Santa Barbara, a state normal school, to be known as the Santa Barbara State Normal School of Manual Arts and Home Economics. The purpose of this school is to furnish to the people of both sexes professional training in manual arts and home economics as shall fit them to teach in the public schools of this state in the departments of manual arts and home economics. This act shall be liberally construed to the end that the school established hereby may at all times contribute to the high standard of professional training in the state.

State school of manual arts.

Board of trustees.

SEC. 2. Within sixty days after this act goes into effect, the governor shall appoint five persons who, with the governor and superintendent of public instruction, shall constitute a board of trustees of said school.

Selection of site.

SEC. 3. The said trustees, as provided for in section two of this act, are hereby appointed and created trustees of said Santa Barbara State Normal School of Manual Arts and Home Economics with full power and authority to select the site for the permanent location of said school in the city of Santa Barbara. Said trustees shall within ninety days after the passage of this act examine the different sites offered for the location of said school buildings and the site selected by them shall remain the permanent site of said school; *provided*, that no money shall be expended on the land or for such school until the site selected and donated to this state has been conveyed by a deed in fee simple to the State of California, said site to consist of not less than four acres.

Term and organization of board.

SEC. 4. The term of office of the trustees shall be four years, except that, in appointing the first board of trustees, the governor shall appoint two members for one year, one for two years, one for three years, and one for four years. They shall be governed and regulated by the laws governing and regulating the normal schools of this state, in so far as the same are applicable to an institution of this kind, and shall be entitled to their necessary and actual traveling expenses while engaged in the discharge of their duties under this act.

Appropriation.

SEC. 5. The sum of ten thousand dollars is hereby appropriated out of any moneys belonging to the state not otherwise appropriated, for the maintenance of said school and improving the grounds conveyed to this state under section three hereof.

Provision for opening school.

SEC. 6. The said board of trustees shall provide, by renting suitable buildings and equipment for the opening of a state normal school of manual arts and home economics in the city of Santa Barbara, on or before January 1, 1910, and said board shall have full power and authority to employ suitable teachers for the conducting and maintaining of said school, supplying the same with necessary books, stationery and apparatus.

Controller's warrants.

SEC. 7. The controller of the state is hereby authorized to draw his warrants from time to time, as the work shall progress, in favor of said board of trustees, upon their requisition for the same, and the state treasurer is directed to pay the same.

SEC. 8. The moneys hereby appropriated shall be expended under the direction of the said board of trustees.

SEC. 9. This act shall take effect and be in force from and after its passage.

CHAPTER 472.

An act to amend section six of an act entitled "An act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said courts and to fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one-half class.

[Approved March 31, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section six of the act entitled "An act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof, approved March 5, 1901, relating to clerks in police courts in cities of the first and one-half class," is hereby amended to read as follows:

Section 6. Said police court shall have a clerk for each of the judges of said court, who shall be appointed by the judge of the said court presiding in the department thereof in which the said clerk is to act, which said clerk shall hold office for the term of four years from the date of appointment. Each of said clerks shall give a bond in the sum of five thousand dollars, with at least two sureties, to be approved by the mayor, conditioned for the faithful discharge of the duties of his office. Each of said clerks shall receive an annual salary of twenty-one hundred dollars a year, payable in equal monthly installments out of the treasury of said city, which salary shall be full compensation for all services rendered by him. Each of the said clerks shall keep a record of the proceedings of, and issue all processes ordered by, the city justices, or either of them, or by said police court, and receive and pay into the city treasury all fines imposed by said court. They shall also render each month to the city council an exact and detailed account under oath of all fines imposed and collected, and of all fines imposed and uncollected since their last reports. They shall prepare bonds, justify bail when the amount has been fixed by either of said justices or by said police court, and may administer and certify oaths. Said clerks shall remain at the court rooms of said court during the business hours and during such reasonable times thereafter as may be necessary for a proper performance of their duties. Before receiving any monthly payment of salary each of said clerks shall make and file with the city auditor an affidavit that he has deposited with the city treasurer all moneys that have come into his hands, belonging to the city. Any violation of this provision shall be a misdemeanor.

Police
court
clerks.

Bonds.

Salaries.

Duties.

SEC. 2. This act shall take effect immediately from and after its passage.

CHAPTER 473.

An act appropriating the sum of twelve thousand one hundred and fifty-five dollars (\$12,155.00) to provide certain improvements to the plant and grounds of the industrial home of mechanical trades for the adult blind.

[Approved March 31, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.

Improvements to plant and grounds.

SECTION 1. It is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twelve thousand one hundred and fifty-five (\$12,155.00) dollars to provide certain improvements to the plant and grounds of the industrial home of mechanical trades for the adult blind at Oakland, California.

SEC. 2. The state controller is hereby directed to draw a warrant for the sums herein appropriated and the state treasurer is directed to pay the same.

CHAPTER 474.

An act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-eighth session of the legislature and directing the state controller and state treasurer to make such transfer.

[Approved March 31, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.

Pay for legislative printing.

SECTION 1. The sum of ten thousand dollars (\$10,000.00) is hereby transferred from the general fund to the state printing fund to defray the printing expenses of the thirty-eighth session of the legislature.

SEC. 2. The state controller and state treasurer are hereby directed to make said transfer in conformity with section one of this act.

SEC. 3. This act shall take effect immediately.

CHAPTER 475.

An act to provide one additional judge of the superior court of the county of Alameda.

[Approved April 6, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The number of judges of the superior court of the county of Alameda is hereby increased from five to six. Additional superior court judge in Alameda county.

SEC. 2. Within ten days after the passage of this act the governor shall appoint one additional judge of the superior court of the county of Alameda, who shall hold office until the first Monday after the first day of January, A. D. nineteen hundred and eleven; and at the next general election one judge of said court, in addition to the present number provided by law for said county, shall be elected to hold office for the term prescribed by the constitution and by law.

SEC. 3. The salary of said one additional judge shall be Salary. the same in amount, and shall be paid at the same time and in the same manner as that of the other judges of the superior court of said county now authorized by law.

SEC. 4. This act shall take effect immediately.

CHAPTER 476.

An act to amend sections 1, 3, 8, 20 and 21 of an act approved March 23, 1901, and entitled "An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an act now in force relating to the same and known as 'An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885;" to repeal sections 13 and 24 of said act; also to amend sections 10, 12, 14 and 19 of said act as amended by an act approved March 20, 1903; also to amend section 21 1-2 of said act as added thereto by said act approved March 20, 1903; and also to amend section 15 of said act of March 23, 1901, as amended by an act approved March 6, 1907; all relating to the board of dental examiners of California and the regulation of the practice of dentistry in the State of California.

[Approved April 6, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Dentistry
acts,
amend-
ments to.

SECTION 1. Section 1 of the act of the legislature of California, approved March 23, 1901, and entitled: "An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an act now in force relating to the same and known as 'An act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," is hereby amended so as to read as follows:

License
required.

Section 1. It shall be unlawful for any person to engage in the practice of dentistry in the State of California, unless said person shall have obtained a license from a board of dental examiners, duly authorized and appointed under the provisions of this act to issue licenses; *provided*, that this act shall not affect the right under the laws of the State of California, of dentists to practice dentistry who have lawful right to practice dentistry at the time of the passage of this act, and no dentist shall be exempt from paying an annual license tax, as hereinafter provided.

SEC. 2. Section 3 of the act approved March 23, 1901, and particularly described and designated in section 1 of this act is hereby amended so as to read as follows:

Power and
duty of
board.

Section 3. It shall be the power and duty of said board to elect from its membership the following officers: President, treasurer and secretary. The secretary shall receive such compensation as may be fixed by the board, which shall be in

addition to his per diem and mileage as a member of the board. They shall meet regularly at least twice each year, at such time and place as the board may designate, for the purpose of transacting its business, and special meetings may be held at such other times as the board may elect, or on the call of the president of the board, or of not less than four (4) members thereof. A written notice of the time, place and object of such special meeting shall be mailed by said secretary to all the members not parties to the call, at least fifteen (15) days before the day of meeting. The said board shall examine all applicants for licenses to practice dentistry according to the provisions of this act; collect and apply all fees as directed by this act; keep a book showing the names of all persons to whom licenses have been granted by said board to practice dentistry, and such other books as may be necessary to plainly show all the acts and proceedings of said board; have and to use a seal bearing the name "Board of dental examiners of California."

Sec. 3. Section 8 of the act approved March 23, 1901, and particularly described and designated in section 1 of this act, is hereby amended so as to read as follows:

Section 8. Said board shall examine all applicants for examination, who shall furnish satisfactory evidence of having complied with the provisions of this act relating to qualification for examination, together with the payment of the fee provided for in section twelve of this act. The examination of applicants shall be sufficiently thorough to test the fitness of the candidate to practice dentistry. It shall include, written in the English language, questions on the following subjects: Anatomy, physiology, chemistry, materia medica, therapeutics, metallurgy, histology, pathology, operative and prosthetic dentistry, oral surgery and orthodontia; the answers to which shall be written in the English language. Said written examination may be supplemented by an oral examination. Demonstrations of the applicant's skill in operative and prosthetic dentistry must also be given. All persons successfully passing such examinations shall be registered as licensed dentists on the board register, as provided in section three, and shall be granted by the board a license to practice dentistry in the State of California, which license is subject to renewal, as hereinafter provided. In no case shall any applicant be examined or given a license who is not twenty-one years of age.

Examina-
tion of
applicants.

Sec. 4. Section 20 of the act approved March 23, 1901, and particularly described and designated in section 1 of this act, is hereby amended so as to read as follows:

Section 20. It is hereby further provided, that the conferring of degrees and the bestowing of diplomas, by reputable dental colleges of this state, which have been indorsed by the board of dental examiners of California are not included in the penalties prescribed in section 19 of the said act of March 23, 1901, as amended by the act of March 20, 1903.

Degrees
and
diplomas.

Sec. 5. Section 21 of the act approved March 23, 1901, and particularly described and designated in section 1 of this act, is hereby amended so as to read as follows:

Section 21. All fines, penalties, or forfeitures, including the examination fee, imposed or collected for the violation of any of the foregoing provisions of this act, unless otherwise specified, shall be paid to the secretary and be by him turned into the general fund of the said board. All fines paid or collected for the violation of any of the provisions of this act shall be paid by the court, in which the conviction shall be had, to the secretary of the said board to be by him turned into the general fund of said board. Said board, or any member or officer, thereof, may prefer a complaint for violation of this act or any part thereof, before any court of competent jurisdiction, any may by its officers, counsel and agents, assist in presenting the law or facts at the trial. It shall be the duty of the district attorney of each county in this state to prosecute all violations of the aforesaid provisions of this act in their respective counties in which such violations occur.

Repeal of sections 13 and 24.

SEC. 6. Sections 13 and 24 of the act approved March 23, 1901, and particularly described and designated in section 1 of this act are hereby repealed.

SEC. 7. Section 10 of the act approved March 23, 1901, and particularly described and designated in section 1 of this act, and as amended by an act approved March 20, 1903, is hereby amended so as to read as follows:

Registration with county clerk.

Section 10. Every person now licensed to practice dentistry in this state, who has failed to register his license with the clerk of the county wherein his place of business is located, as provided by law, must register the same within sixty days after this law takes effect, and every person who shall hereafter be licensed to practice dentistry in this state, shall within six months thereafter register in the office of the clerk where his place of business is located, in a book kept by the clerk for such purpose, and called a register of dentists, his name, age, office address, the date and number of this license to practice dentistry, and the date of such registration, which registration he shall be entitled to make only upon showing to the county clerk his license or a copy thereof certified by the secretary of the board over its seal, and making an affidavit stating his name, age, birth place, the number of his license and the date of its issue; that he is the identical person named in the license; that before receiving the same he complied with all the preliminary requirements of this statute and the rules of the board of dental examiners as to the terms and the amount of study and examination; that no money other than the fees prescribed by this statute and said rules, was paid directly or indirectly for such license, and that no fraud, misrepresentation or mistake in a material regard was practiced, employed or occurred by any person in order that such license should be conferred. Said person need not personally register before the county clerk but may make the affidavit afore provided before any officer authorized by law to administer oaths, and which affidavit together with the other information and license, or the certified copy thereof as afore provided, shall be forwarded to the said county clerk, who shall act in the manner the same as

if the party was personally present. The county clerk shall preserve such affidavit in a bound volume and shall issue to every licentiate duly registering and making such affidavit, a certificate of registration in his county, which shall include a transcript of the registration. Such transcript and license may be offered as primary evidence in all courts of the facts therein stated. A copy of such certificate of registration shall be sent by the county clerk to the secretary of the board within five (5) days after it is made. The county clerk's fees for taking such registration and affidavit and issuing such certificate of registration shall be one (\$1.00) dollar. A practicing dentist having registered a lawful authority to practice dentistry in one county of the state, and removing such practice or part thereof to another county shall show or send by registered mail to the clerk of such other county his certificate of registration. If such certificate clearly shows that the original registration was of an authority issued by the board of dental examiners, or if the certificate or registration itself is indorsed by the secretary of the board of dental examiners as entitled to registration, the clerk shall thereupon register the applicant in the registers of dentists of the latter county on receipt of a fee of fifty (50) cents, and shall stamp or endorse on such certificate of registration the date and his name preceded by the words "registered also in county," and return the certificate of registration to the applicant. Any lawfully registered person who shall thereafter change his name according to law shall register the new name with a marginal note of the former name with the clerk of the county or counties where he is practicing. The clerk shall forthwith notify the secretary of the board of such change. Any county clerk who knowingly shall make or suffer to be made upon the register of dentists kept in his office any entry other than that provided for in this act, shall be liable to a penalty of fifty (\$50.00) dollars to be recovered by and paid to the said state board of dental examiners in a suit in any court having jurisdiction. Any failure, neglect or refusal on the part of any person holding such license to register the same with the clerk of said county as above directed for a period of six months after the issuance thereof shall ipso facto work a forfeiture of his license, and it shall not be restored except upon the payment to said board of twenty-five (\$25.00) dollars. Any suspension, revocation or reinstatement of a license shall with the date thereof be forthwith noted by the county clerk on the margin of the registration thereof upon receipt of notice from the secretary of the board.

Duty of
county
clerk.

Failure to
register,
penalty
for.

Sec. 8. Section 12 of the act approved March 23, 1901, and particularly described and designated in section 1 of this act, and as amended by an act approved March 20, 1903, is hereby amended so as to read as follows:

Section 12. No person shall be eligible for examination by the state board of dental examiners who shall not furnish satisfactory evidence of having graduated from a reputable dental college, which must have been indorsed by the board of dental

Eligibility
or exami-
nation.

examiners of California, or who shall not furnish to said board of examiners a certificate from the state board of dental examiners, or similar body, of some other state in the United States, showing that he or she has been a licensed practitioner of dentistry in that state for at least five (5) years. *Provided*, that every person actually engaged as an apprentice to a regularly licensed dentist in the State of California at the time of the passing of this act, shall be eligible for examination. if, within thirty (30) days after the passage of this act, he shall file with the secretary of the board an affidavit stating his name, age, the length of time for which he has been actually apprenticed and with whom; and who, at the time of his application for examination, shall show to the satisfaction of the board that he has served an apprenticeship of at least four (4) years and is a graduate from a high school or similar institution of learning in this or some other state of the United States requiring a three (3) years' course of study, *and, provided*, that no examination shall be given to an applicant claiming the right to take the same as an apprentice later than June, 1913.

Apprentices.

Sec. 9. Section 14 of the act approved March 23, 1901, and particularly described and designated in section 1 of this act, and as amended by an act approved March 20, 1903, is hereby amended so as to read as follows:

License, fee for.

Section 14. Before any person can practice dentistry in this state, he shall obtain a license to do so from the board of dental examiners. Each application shall be accompanied by a fee of twenty-five (\$25.00) dollars, which shall in no case be refunded. Such license shall be good until the following first day of May when it shall expire by limitation. An annual license fee of two (\$2.00) dollars shall thereafter be paid annually by every person practicing dentistry in this state, and it shall be the duty of said board to issue to all regularly licensed dentists upon application and the payment of \$2.00, if made before the expiration of the applicant's license, a new license which shall entitle said person to practice dentistry in this state for a period of one year, and which license shall expire upon the following first day of May. Said board shall have no authority to issue an annual license to any person who is not a regularly licensed dentist, and who has not paid said license fee of \$2.00 on or before the date when his previous license expired. Every person who was a regularly licensed dentist and who failed to pay said annual license of \$2.00 before the expiration of his license, shall be considered as if no license had ever been issued to him, and before he can again practice dentistry in this state, shall make a new application therefor as in the first instance and pay the regular fee of \$25.00 therefor, except that he shall not be required to submit to any examination. All renewal fees collected under the provisions of this section shall be used exclusively for the prosecution of violators of this act and for expenses of collecting said fees. All moneys received under this act shall be deposited in some reliable bank in the name of the board, and

Annual license fee.

Renewal fees, use of.

shall be withdrawn only on the joint check of the president and secretary of the board.

SEC. 10. Section 19 of the act approved March 23, 1901 and particularly described and designated in section 1 of this act, and as amended by an act approved March 20, 1903, is hereby amended so as to read as follows:

Section 19. Any person, company or association shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by imprisonment in the county jail not less than ten (10) days nor more than one (1) year, or by a fine of not less than one hundred (\$100.00) dollars nor more than one thousand (\$1000.00), or by both such fine and imprisonment, who (1) shall sell or barter or offer to sell or barter any dental degree or any certificate or transcript, made or purporting to be made, pursuant to the laws regulating the license and registration of dentists; or (2) shall purchase or procure by barter, any such diploma, certificate or transcript, with intent that the same shall be used as evidence of the holder's qualification to practice dentistry, or in fraud of the laws regulating such practice; or (3) shall with fraudulent intent, alter in a material regard any such diploma, certificate or transcript; or (4) shall use or attempt to use any such diploma, certificate or transcript, which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license or color of license to practice dentistry, or in order to procure registration as a dentist; (5) or, shall practice dentistry under a false or assumed name; or (6) shall assume the degree of "doctor of dental surgery" or "doctor of dental medicine," or shall append the letters "D.D.S." or "D.M.D." to his or her name not having duly conferred upon him or her, by diploma from a recognized dental college or school legally empowered to confer the same, the right to assume said title; or shall assume any title, or append any letters to his or her name, with the intent to represent falsely that he or she has received a dental degree or license; or (7) shall in an affidavit, required of an applicant for examination, license, or registration, under this act, willfully make a false statement in a material regard; or, (8) shall engage in the practice of dentistry under any title or name without causing to be displayed in a conspicuous manner and in a conspicuous place in her or his office the name of each and every person employed in the practice of dentistry therein, together with the word mechanic after the name of each unlicensed person employed; or, (9) shall within ten days after demand, made by the secretary of the board, fail to furnish to said board the name and address of all persons practicing or assisting in the practice of dentistry in the office of said person, company or association, at any time within sixty (60) days prior to said notice, together with a sworn statement showing under and by what license or authority said person, company or association, and said employee are or have been practicing dentistry, but such affidavit shall not be used as evidence against such person, company or association in any proceeding under this section;

Sale of
degrees.

or. (10) is practicing dentistry in the state without a license, or whose license has been revoked or suspended.

SEC. 11. Section 21 $\frac{1}{2}$ of the act approved March 23, 1901, as particularly described and designated in section 1 of this act and as added to said act of March 23, 1901 by the act approved March 20, 1903, is hereby amended so as to read as follows:

Revoca-
tion of
license,
causes for.

Section 21 $\frac{1}{2}$. Any dentist may have his license revoked or suspended by the board of dental examiners for any of the following causes:

(1) His conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction or a certified copy thereof, certified by the clerk of the court, or by the judge in whose court the conviction is had, shall be conclusive evidence.

(2) For unprofessional conduct or for gross ignorance or inefficiency in his profession. Unprofessional conduct shall mean employing persons known as cappers, as steerers, to obtain business; the obtaining of any fee by fraud or misrepresentation; willfully betraying professional secrets; employing directly or indirectly any student or any suspended or unlicensed dentist to perform operations of any kind, or to treat lesions of the human teeth or jaws, or correct malimposed formations thereof, except as heretofore provided in section thirteen; aiding or abetting any unlicensed person to practice dentistry unlawfully; habitual intemperance; gross immorality.

Proceed-
ings for
revoca-
tion.

The proceedings to revoke or suspend any license under the first subdivision hereof, must be taken by the board on the receipt of a certified copy of the record of conviction. The proceedings under the second subdivision hereof may be taken upon the information of another. All accusations must be in writing, verified by some party familiar with the facts therein charged, and three copies thereof must be filed with the secretary of the board. Upon receiving the accusation the board shall, if it deem the complaint sufficient, make an order setting the same for hearing, at a specified time and place, and the secretary shall cause a copy of the order and of the accusation to be served upon the accused at least ten (10) days before the day appointed in the order for said hearing. The accused must appear at the time appointed in the order and answer the charges and make his defense to the same, unless for sufficient cause the board assign another day for that purpose. If he do not appear the board may proceed and determine the accusation in his absence. If the accused plead guilty or refuse to answer the charges, or upon the hearing thereof the board shall find them or any of them true, it may proceed to a judgment revoking his license or suspending it. The board and the accused may have the benefit of counsel, and the board shall have power to administer oaths, take the depositions of witnesses in the manner provided by law in civil cases, and to compel them to attend before it in person the same as in civil cases, by subpoena issued over the signature of the secretary and the

seal of the board and in the name of the people of the State of California. Upon the revocation of any license, the fact shall be noted upon the records of the board of dental examiners and the license shall be marked as cancelled, upon the date of its revocation.

SEC. 12. Section 15 of said act of March 23, 1901, and particularly described and designated in section 1 of this act and as amended by an act approved March 6, 1907, is hereby amended so as to read as follows:

Section 15. Any person shall be understood to be practicing dentistry within the meaning of this act who shall display a sign or in any way advertise himself as a dentist, or who shall, for a fee, salary or reward, paid directly or indirectly either to himself or to some other person, perform an operation of any kind upon, or treat diseases or lesions of, the human teeth or jaws, or correct malimposed positions thereof; but nothing in this act contained shall prohibit bona fide students of dentistry from operating in the clinical departments of the laboratory of a reputable dental college, or an unlicensed person from performing merely mechanical work upon inert matter in a dental laboratory or a licensed physician from practicing oral surgery or treating diseases of the mouth.

Practicing
dentistry
defined.

SEC. 13. This act shall take effect immediately, and all acts in conflict with this act are hereby repealed.

CHAPTER 477.

An act to amend section five and section ten of an act entitled, "To provide for the formation of protection districts in the various counties of this state, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof, by widening, deepening and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, by enlarging the discretion of boards of supervisors concerning such districts and improvements and to include in said districts territory situated within municipal corporations.

[Approved April 6, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section five of the act entitled "To provide for the formation of protection districts in the various counties of this state, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof, by widening, deepening and

Formation
of protec-
tion
districts.

straightening and otherwise improving the same and to authorize boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, is hereby amended to read as follows:

Eminent domain, right of.

Section 5. The board of supervisors of such county shall also have power to condemn land for the purpose of widening, deepening and straightening any innavigable stream flowing through such protection district, or forming a boundary, or any part of a boundary thereof, and for that purpose all the provisions of part three, title seven, of the Code of Civil Procedure are hereby made applicable to the exercise of the right of eminent domain for such purposes, or to any other purpose necessary to the needs of such district when formed; *provided*, that nothing in this act shall be construed as interfering, conflicting or abrogating reclamation districts now established by law. Whenever such innavigable streams or water course forms, or the portion thereof deemed proper or necessary to be improved and rectified by widening, deepening, or straightening its course, or by erecting levees or dikes upon its banks, forms the boundary line between any two or more counties in this state, the petition shall be presented to the board of supervisors of the county in which the greatest portion of lands within the proposed district are situated, signed by at least twenty of the property holders of the district, ten (10) from each of the counties to be affected, which petition shall set forth and particularly describe the proposed boundaries of such district and the other matters required by section one of the act of which this act is amendatory, and shall pray for a district to be organized under said act; and when the board of supervisors of any one of said counties has acquired jurisdiction as provided in section four of the act of which this act is amendatory, the boards of supervisors of each of the other counties, when notified, shall proceed to improve and rectify the channel of said stream or water course, so as to prevent the overflow of said stream or water course, and in accordance with the terms of said act of which this act is amendatory. And if, after notice, given in writing by the board of supervisors of the county so first acquiring jurisdiction to the board of supervisors of said other counties, either or any county so notified shall fail for sixty days to proceed to take all necessary steps under said act for the prevention of the overflow of such stream, by widening, deepening or straightening its course, or by erecting levees or dikes upon its banks, the board of supervisors having obtained jurisdiction as above provided and giving such notice shall proceed under the terms of said act to improve and rectify the channel of such stream or water course, by widening, deepening, or straightening its course, or by erecting levees or dikes upon its banks, and collect by law, from the county or counties so notified, its proportion of the costs and expenses of said improvement, which shall not exceed in the case of any county one quarter of the total cost thereof; *provided*, said amount shall not exceed in any one case for

When stream forms line between counties.

any one county the sum of twenty-five hundred dollars. Nothing herein shall authorize the alteration of the boundary lines of any county, and said boundary lines shall remain as they are at present. Hereafter all costs of every nature that may be incurred or made necessary in the keeping up or preservation of any work or improvement done under the provisions of this section shall be borne by the county or counties affected by such work or improvement, and the lands within said district in the proportion provided in section ten of this act.

Whenever a portion of such innavigable stream or water course passes through or forms the boundary line of any municipal corporation, the territory within such municipality, including the streets thereof, affected or benefited by such work or improvement may be included in proceedings instituted for the creation of said protection district, and thereupon, all such territory including the streets of such municipality, shall be subject to the provisions of this act.

Municipal corporations, may be included.

SEC. 2. Section ten of the above mentioned and described act is hereby amended so as to read as follows:

Said commissioners shall proceed to view the lands embraced within the boundaries of such protection district, and may examine witnesses under oath, to be administered by any one of them. Having viewed the land to be taken, and the improvements affected, and considered the testimony presented, they shall proceed with all diligence to determine the value of the land and damage to improvements and property affected and also the estimate amount of the costs of the proposed work or improvement and the expenses incident thereto, and having determined the same, shall proceed to assess the same to the county or counties and upon the lands embraced within the exterior boundaries of such protection district.

Duty of viewers.

Such assessment shall be made in the manner following, to wit: The board of supervisors shall assess to the county or counties where more than one is an interested and benefited party or parties not exceeding one half of such assessment; *provided*, that in no case shall a county be liable for an amount in excess of one fourth thereof or for any sum greater than twenty-five hundred dollars where there are two or more counties within which said district is formed, and the remainder of such assessment may be made upon the lands within said district in proportion to the benefits to be derived from said work or improvement, so far as said commission can reasonably estimate the same, including in such estimate the streets in such municipal corporation and the property of any railroad company, within said district, if such there be.

Assessments, how made.

CHAPTER 478.

An act adding a new section to the Political Code of the State of California to be numbered section 1584, relating to school districts.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code of the State of California, to be numbered section 1584, and to read as follows:

1584. A school district, a portion of which is embraced within the limits of an incorporated city or town governed by a charter proposed and adopted as provided by section 8 of article XI of the constitution of the State of California, may be subject to, controlled and governed by the provisions of such charter relating to and providing for the management of public schools in the manner provided in this section. The board of trustees of such school district may provide for the holding of an election at the time, and in the form and manner for holding elections for school trustees, at which election shall be submitted the question of the district being governed by the provisions of the charter of such city or town. The ballots used at such election shall contain the words "Shall the— (name of district)—be governed by the charter of the city (or town) of ———?" and the words "Yes" and "No" so placed that the voters may clearly indicate their choice in this connection. The board having charge of such election shall count the ballots cast on such proposition and make return thereof to the board of trustees of such school district. If it shall appear from such returns that a majority of the votes cast on such proposition were in favor thereof, then said board of trustees shall certify said result to the board of education provided for in the charter of such city or town and from and after the date of such certificate said school district shall be governed by the provisions of such charter relating to the establishment, management and control of the public schools. All qualified electors residing in such school district, whether residing within or without the boundaries of such incorporated city or town, shall be entitled to vote for members of the board of education at any election held for that purpose.

SEC. 2. This act shall take effect immediately.

School districts in chartered cities, government of.

CHAPTER 479.

An act to provide county library systems.

[Approved April 12, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The boards of supervisors of the several counties shall have power to establish and maintain, within their counties, county library systems in the manner and with the functions prescribed in this act. County library systems.

SEC. 2. The board of supervisors of any county may submit the question of establishing a county library system to a vote of the electors of such county in the following manner: Manner of establishment.

They shall, not less than fourteen days before the annual election of school trustees, send notices to the board of trustees of each school district in the county, declaring that a vote on the question of establishing a county library will be taken at the coming election of school trustees. The trustees shall post such notice in three public places within the district. The board of supervisors shall thereupon prepare two sets of ballots, one reading "For a county library" and the other "Against a county library," and send a sufficient number of them to the board of school trustees in each school district in the county. These ballots shall be kept on hand at the place where said election is held, and each elector voting at such election may use one of these ballots to express his wishes regarding the establishing of a county library. Such election for the establishment of a county library shall be conducted substantially in the manner prescribed for the election of school trustees, except that the result shall be certified to the county board of supervisors, instead of the county superintendent of schools. Ballots.

In cities, where no election for school trustees is held on the day when such elections are held in other school districts of the county, the county board of supervisors may order a special election on the question of establishing a county library, to be held on the same day as in the school districts outside of such city, and be conducted substantially as elections for the issue of county bonds are now conducted. Elections in cities.

After the certificates of the election officers have been received by the county board of supervisors, the said board shall canvass and declare the result, and thereafter if a majority of the votes cast are for a county library, must pass an ordinance establishing a county library as herein provided.

SEC. 3. Not less than five days before any election regarding the establishing of a county library, as provided in section two of this act, the board of trustees, common council, or

other legislative body of any incorporated city or town in the county, or the board of trustees of any library district, may notify the board of supervisors that such city, town, or library district, does not desire to participate in the county library system, and thereafter such city, town or library district shall not participate in such election, and its inhabitants shall not be entitled to the benefits of such county library system when established, and the property within such city, town, or library district shall not be taxed for county library purposes. But such notice may at any time be withdrawn by such city, or library district.

Non-participation in system.

Supervision of county library.

SEC. 4. The county library shall be under the general supervision of a committee of three selected annually by the county board of supervisors from among its own members. The said committee shall elect a county librarian, who shall hold office for the term of four years, subject to prior removal for cause, after a hearing, by the library committee. The cause of such removal, together with all proceedings therefor, shall be spread upon the minutes of such committee. The said county librarian need not be a resident of the county nor a citizen of the State of California at the time of his election. Prior to entering upon the duties of his office, such county librarian shall file with the county clerk the usual oath of office and a bond, conditioned upon the faithful performance of his duties, with sufficient sureties approved by a judge of the superior court, in such sum as may be determined by the county board.

Librarian, who eligible.

SEC. 5. No person shall be eligible for the office of county librarian, unless he has received, prior to his election, from the state librarian, or from the librarian of the University of California, or the Leland Stanford Junior University, a certificate to the effect that in the opinion of such librarian he is well qualified for the office. If at any time there shall be established by law in this state a system of certification of qualified librarians, each county librarian elected thereafter for a first term must hold a proper certificate provided by such system, in place of the certificate above mentioned in this section. The salary of the county librarian shall, in the counties of the first to tenth classes, be two thousand four hundred dollars per annum; in the counties of the eleventh to twenty-ninth classes, two thousand dollars per annum; in counties of the thirtieth to fortieth classes, one thousand five hundred dollars per annum; in counties of the forty-first to fifty-fourth classes, one thousand dollars per annum; and in counties of the fifty-fifth to fifty-eighth classes, seven hundred and fifty dollars per annum. The county librarian shall also be allowed his actual and necessary expenses incurred in traveling on the business of his office.

Salaries.

Powers of library committee.

SEC. 6. The library committee appointed by the county board of supervisors, as aforesaid, shall have power to make general rules and regulations regarding the policy of the county library, and to determine the number and kind of employees of such library. But the appointment and dismissal

of such employees, and the management of the business of the library, including the determination of what books shall be purchased, shall be entirely within the power of the county librarian.

SEC. 7. The county librarian shall, subject to the general rules adopted by the library committee, build up and manage, according to accepted principles of library management, a library for the use of the people of the county. He shall cooperate in every expedient manner with the librarians of other public libraries within the county, including the county law library, and render such assistance to all as will tend to increase their efficiency, and may establish delivery stations and branch libraries within the county. For this purpose, he may employ such assistants as may be authorized by the library committee; *provided*, that where such services are rendered to a library belonging to any municipal corporation not taxed for the county library system, such services shall be paid for at a fair rate of compensation by such library, payable into the county library fund established by this act.

Duties of Librarian.

Assistants.

SEC. 8. The county library systems of the state shall be under the general supervision of the state librarian, who shall from time to time, either personally or by one of his assistants, visit the libraries in each county and inquire into their condition. The actual expenses of such visits shall be defrayed out of the state library fund. The state librarian may annually call a convention of county librarians, to assemble at such time and place as he shall deem most convenient, for the discussion of questions pertaining to the supervision and administration of the public libraries, the laws relating thereto, and such other subjects affecting the welfare and interest of the county libraries as shall properly be brought before it. It is hereby made the duty of all the county librarians to attend and take part in the proceedings of such convention when it is called. The actual expenses of the county librarians attending the convention shall be paid out of the county library fund.

State Librarian to have general supervision.

SEC. 9. The county librarian shall on or before the 15th day of July in each year, report to the county board of supervisors on the condition of his library system for the year ending June 30th preceding. Such reports shall, in addition to other matters deemed expedient by the county librarian, contain such statistical and other information regarding the county library system as may be deemed desirable by the state librarian. For this purpose the state librarian may send to the several county libraries instructions or question blanks, so as to obtain the material for a comparative study of library conditions in the state. At the time of making his annual report, the county librarian shall send a copy thereof to the state librarian.

Report of county Librarian.

SEC. 10. The county libraries established under this act shall be free to the use of the public; *provided*, that only residents of the county outside of cities, towns, and library districts not taxed for county library purposes shall have the privilege of drawing books therefrom for use outside of the

Libraries to be free

rooms of the library. Persons violating any of the reasonable rules established by the library authorities may be excluded from the use of the library.

Tax levy.

SEC. 11. The county board of supervisors, after a county library has been established, shall annually levy in addition to all other taxes levied by them, a tax not to exceed one mill on the dollar of assessed valuation for the purpose of purchasing property for, and maintaining the county library. County bonds may be issued, in the manner prescribed in section 4088 of the Political Code, for the erection and equipment of library buildings and the purchase of land therefore. The county board of supervisors is authorized to receive, on behalf of the county, any gift, bequest or devise for the county library. The title to all the property belonging to the county library shall be vested in the county. All funds of the county library system, whether derived from taxation or otherwise, shall be in the custody of the county treasurer. They shall constitute a separate fund, called the county library fund, and shall not be used for any purposes except those of the county library system. No money shall be paid out of the said county library fund, except on an order signed by the chairman of the library committee, and countersigned by the county librarian or his assistant. The said chairman shall sign no order upon the library fund, until a proper voucher for the claim upon which such order is based is filed and until such claim has been duly audited and allowed by the library committee. The fact that such claim has been audited and allowed shall be endorsed upon the voucher and attested by the signatures of at least two members of the committee.

Public libraries may assume functions of county library.

SEC. 12. Instead of establishing a separate county library, the county board of supervisors may enter into a contract according to the provision of this section with any city or incorporated town maintaining a free public library; and the board of library trustees, or other authorities in charge of such free public library of any such city or town, is hereby authorized to make such a contract. The said contract may provide that the public library of such city or town shall assume the functions of a county library within the county with which such contract is made, as provided in this act. The county board of supervisors may agree to pay annually into the library fund of such city such sum as may be agreed upon. Either party to such contract may terminate the same by giving six months' notice of intention to do so.

How system may be discontinued.

SEC. 13. After a county library system has been established, it shall not be discontinued except by the two-thirds vote of the electors of the county voting at a special election called for the sole purpose of determining whether such library shall be discontinued. Such election shall be carried on substantially in the manner now prescribed for the election on the issuing of county bonds.

CHAPTER 480.

An act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and to create boards of library trustees.

[Approved March 12, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Any unincorporated town or village of this state may establish, equip and maintain a public library for the dissemination of a knowledge of the arts, sciences and general literature, in accordance with the provisions of this act. Libraries in unincorporated towns.

SEC. 2. Upon the application, by petition, of fifty or more taxpayers and residents of said town or village to the board of supervisors in the county in which said town or village is located, praying for the formation of a library district, and setting forth the boundaries of the said proposed district; the said board of supervisors must, within ten days after receiving said petition, by resolution, order that an election be held in the said proposed district for the determination of the question and shall appoint three qualified electors thereof to conduct said election. Manner of establishment.

SEC. 3. Said election shall be called by posting notice thereof in three of the most public places in said proposed library district, and by publication in a daily or weekly paper therein, if there be one, at least once a week for not less than fifteen days. Said notices must specify the time, place, and the purposes of said election, and the hours during which the polls will be kept open; *provided*, that in districts with a population of ten thousand or over, the polls must be opened at eight o'clock A. M., and kept open until seven o'clock P. M., and in districts where the population is less than ten thousand, the polls must not be opened before one o'clock P. M., and must be kept open not less than six hours. Election, how called.

SEC. 4. Said election shall be conducted in accordance with the general election laws of this state, where applicable, without reference to form of ballot or manner of voting, except that the ballots shall contain the words, "For library district," and the voter shall write or print after said words on his ballot the word "Yes," or the word "No." Conduct of election.

SEC. 5. Every qualified elector, resident within the proposed district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election above provided for. Electors, qualifications of.

Return of
result.

SEC. 6. It shall be the duty of the election officers to report the result of said election to the board of supervisors within five days subsequent to the holding thereof.

Trustees,
appoint-
ment of.

SEC. 7. If a majority of the votes at said election shall be in favor of a library district, the said board of supervisors must, by resolution, establish said library district, and must appoint three trustees, who must be qualified electors and residents within the limits of the proposed library district, to be known and called a board of library trustees, of the town or village for which they are appointed. Such trustees shall severally hold office for three years from the first day of July next succeeding their election and until their successors are elected and qualified; serving without compensation: *provided however*, that the members of the first board appointed shall be so classified by the board of supervisors at the time of their appointment, that one of their number shall go out of office on the thirtieth day of June next succeeding his appointment, one at the end of one year thereafter, and the other one at the end of two years thereafter. Vacancies shall be filled by the board of supervisors by appointment for the unexpired term.

Proceed-
ings if
proposi-
tion be
defeated.

SEC. 8. If a majority of the votes cast shall be against a library district, the board of supervisors shall, by order, so declare: no other proceedings shall be taken in relation thereto until the expiration of one year from the date of presentation of the petition.

Facts
estab-
lish-
ing
validity of
district.

SEC. 9. The fact of the presentation of the petition, and the order establishing the library district and making the appointment of the three library trustees, shall be entered in the minutes of the board of supervisors and shall be conclusive evidence of the due presentation of a proper petition, and that each of the petitioners was, at the time of signature and presentation of the petition, a taxpayer and resident of the proposed district, and of the fact and regularity of all prior proceedings of every kind and nature provided for by this act, and of the existence and validity of the district.

Trustees,
meetings
of.

SEC. 10. Boards of library trustees shall meet at least once a month, at such time and place as they may fix by resolution. Special meetings may be called at any time by two trustees, by written notices served upon each member at least twelve hours before the time specified for the meeting. Two members shall constitute a quorum for the transaction of business. At its first meeting held after the first day of July the board shall organize by electing one of its number president, and another one of its number secretary; they shall serve as such for one year or until their successors are elected and qualified. Such boards shall cause a proper record of its proceedings to be kept, and at the first meeting of the board of trustees of any library formed under the provisions of this act, it must immediately cause to be made out and filed with the state librarian at Sacramento a certificate showing that such library has been

established, with the date thereof, the names of the trustees, and the officers of the board chosen for the current fiscal year.

SEC. 11. The board of library trustees so appointed by the said board of supervisors, and their successors, shall be authorized and they are hereby empowered, and it shall be their duty:

Powers
and duties
of trustees.

First—To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the libraries under their management, and all property belonging thereto.

Second—To administer any trust declared or created for such libraries, and receive by gift, devise, or bequest, and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such libraries.

Third—To prescribe the duties and powers of the librarian, secretary, and other officers and employees of any such libraries; to determine the number of and appoint all such officers and employees, and fix their compensation, which said officers and employees shall hold their offices and positions at the pleasure of said boards.

Fourth—To purchase necessary books, journals, publications and other personal property.

Fifth—To purchase such real property, and erect or rent and equip, such building or buildings, room or rooms, as in their judgment may be necessary to properly carry out the provisions of this act.

Sixth—To require the secretary of state and other state officials to furnish such libraries with copies of any and all reports, laws, and other publications of the state not otherwise disposed of by law.

Seventh—To borrow books from, lend books to and exchange the same with other libraries, and to allow non-residents to borrow books upon such conditions as the board may prescribe.

Eighth—To do and perform any and all other acts and things necessary or proper to carry out the provisions of this act.

Ninth—To file, through their secretary, on or before the last day in the month of July of each year, a report with the state librarian at Sacramento giving the condition of their library and the number of volumes contained therein on the thirtieth day of June preceding.

Tenth—To designate the hours during which the library shall be open for the use of the public; *provided however*, that all public libraries established under the provisions of this act, shall be open for the use of the public during every day in the year.

SEC. 12. In any library district formed under the provisions of this act, which is now maintaining a public library, or which shall have petitioned for and has been granted permission to establish, and intends to maintain a public library in accordance with this act, it shall be the duty of the board of library trustees therein, to furnish to the board of super-

visors of the county wherein said library district is situated, each and every year, on or before the first day of September, an estimate of the cost of leasing temporary quarters, purchasing a suitable lot, of procuring plans and specifications and erecting a suitable building, of furnishing and equipping the same, and of fencing and ornamenting the grounds, for the accommodation of the public library, and of conducting and maintaining the same for the ensuing fiscal year, or for any or all of said purposes; *provided however*, that the board of library trustees, may, when in its judgment it is deemed advisable, and upon the petition of fifty or more taxpayers residing within said library district, must call an election and submit to the electors of the said library district whether the bonds of said library district shall be issued and sold for any or all of the purposes of this act.

Estimates
of cost.

Special
tax levy.

SEC. 13. When such estimate shall have been submitted to the board of supervisors of any county in which a public library district has been established, the said board of supervisors must, at the time of levying county taxes, levy a special tax upon all of the taxable property within the limits of the said library district, sufficient in amount to maintain the said public library, or to purchase the site, erect and equip, the building, improve the grounds or building, or for any or all of the purposes of this act. The taxes so levied shall be computed, entered upon the tax roll, and collected in the same manner as other taxes are computed, entered and collected.

Disposi-
tion of
revenue.

SEC. 14. The revenue derived from said tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purposes of the library, shall be paid into the county treasury to the credit of the library fund of the district wherein said tax was collected, subject only to the order of the library trustees of said district. If such payment into the treasury should be inconsistent with the terms or conditions of any such gift, devise, or bequest, the board of library trustees shall provide for the safety and preservation of the same, and the application thereof to the use of the library, in accordance with the terms and conditions of such gift, devise or bequest.

Library to
be free.

SEC. 15. Every library established under the provisions of this act shall be forever free to the inhabitants and non-resident taxpayers of the library district, subject always to such rules, regulations, and by-laws as may be made by the board of library trustees: *also provided*, that for violations of the same a person may be fined or excluded from the privileges of the library.

Loan of
books.

SEC. 16. Boards of library trustees and the boards of trustees of neighboring library districts, or the legislative bodies of neighboring municipalities, or boards of supervisors of the counties in which public libraries are situated, may contract to lend the books of such libraries to residents of such counties or neighboring municipalities, or library districts, upon a reasonable compensation to be paid by such counties, neighboring municipalities, or library districts.

SEC. 17. The title to all property acquired for the purposes of such libraries, when not inconsistent with the terms of its acquisition, or not otherwise designated, shall vest in the district in which such libraries are, or are to be situated. Every library district must be designated by the name and style of library district (using the name of the district), of county (using the name of the county in which said district is situated); and in that name the trustees may sue and be sued, and may hold and convey property for the use and benefit of such district. A number must not be used as a part of the designation of any library district.

Title to
library
property.

SEC. 18. An election for library trustee must be held in each library district, annually, at the public library, if there is one, and if there is none, at the place to be designated by the board of trustees, for the election of one library trustee, who shall hold office for three years dating from the first day of July next succeeding his election, or until his successor shall be elected, or appointed and qualified.

Election
for
trustee.

SEC. 19. The number of library trustees for any library district established under the provisions of this act, shall be three.

Number of
trustees.

SEC. 20. Not less than ten days before the election required in section eighteen of this act, the trustees must post notices in three public places in the district, one of which places shall be the public library, which notices must specify the time and place of election, and the hours during which the polls will be kept open; if within five days of holding the election the trustees have failed to post the notices required under this section, then any three electors of the district may give notice.

Notice of
election.

SEC. 21. Boards of trustees must appoint one inspector and two judges to conduct the said election; if none are so appointed, or, if those appointed are not present at the opening of the polls, the electors present may appoint them, and they shall conduct the election. Any member of the board of library trustees is hereby qualified to administer the oath and swear in the election officers.

Conduct of
election.

SEC. 22. In library districts with a population of ten thousand or over, the polls must be open at eight o'clock A. M., and kept open until seven o'clock P. M.: in districts where the population is less than ten thousand the polls must not be opened before one o'clock P. M., and must be kept open not less than six hours.

Polls,
opening
and
closing.

SEC. 23. Every elector, resident of the library district, who is a qualified elector of the county, and who is registered in the district where the election is held at least thirty days before the election, may vote thereat.

Electors,
qualifica-
tions of.

SEC. 24. Voting must be by ballot (without reference to the general election law in regard to nominations, form of ballot, or manner of voting), which shall be handed by the elector voting to the inspector, who shall then, in his presence, deposit the same in the ballot box, and the judges shall enter the elector's name on the poll list.

Voting.

Chal-
lenges.

SEC. 25. Any person offering to vote may be challenged by any elector of the district, and the judges of election must thereupon administer to the person challenged an oath, in substance as follows: "You do swear that you are a citizen of the United States, that you are twenty-one years of age, that you have resided in this state one year, in this county ninety days, and in this library district thirty days preceding this election, and that your name is on the great register of this county and was on the great register of a precinct of this library district at least thirty days before this election, and that you have not before voted this day." If he takes the oath prescribed in this section, his vote must be received, otherwise his vote must be rejected.

Poll lists.

SEC. 26. A poll and tally list must be kept and must be returned to the board of library trustees.

Canvass of
votes.

SEC. 27. The officers of election must publicly canvass the votes immediately after closing the polls, and make, sign, and deliver certificates of election to the person elected, which must, with the oath of office of the person so elected attached, be forwarded to the county clerk and filed in his office.

Bonds,
election
for.

SEC. 28. The board of trustees of any library district may, when in their judgment it is deemed advisable, and must, upon a petition of fifty or more taxpayers and residents of said library district, call an election and submit to the electors of the district, whether the bonds of such district shall be issued and sold for the purpose of raising money for the purchase of suitable lots, of procuring plans and specifications and of erecting a suitable building, of furnishing and equipping the same, and of fencing and ornamenting the grounds, for the accommodation of the public library, or for any or all of the said purposes, or for any or all of the purposes of this act; for liquidating any indebtedness incurred for said purposes, and for refunding any outstanding valid indebtedness, evidenced by bonds or warrants of the district.

Notice of
bond
election.

SEC. 29. Such election must be called by posting notices, signed by the board, in three of the most public places in the district, for not less than twenty days before the election; and if there is a newspaper published in the district, or if not, a newspaper published in the county, by publishing such notice therein not less than once a week for three successive weeks.

What
notice
must
contain.

SEC. 30. Such notice must contain:—

1. Time and place of holding such election;
2. The names of inspectors and judges to conduct the same;
3. The hours during the day in which the polls will be open;
4. The amount and denomination of the bonds, the rate of interest and the number of years, not exceeding forty, the whole or any part of said bonds are to run.

Conduct of
election.

SEC. 31. The election shall be conducted in accordance with the provisions of sections twenty-one, twenty-two, twenty-three, twenty-five, twenty-six, twenty-seven, of this act, in so far as they are applicable to the election for bonds.

SEC. 32. Voting must be by ballot (without reference to Voting.
the general election law in regard to form of ballot, or manner of voting), except that the words to appear on the ballot shall be, "Bonds—Yes," and "Bonds—No," and except further, that persons voting at such bond election shall put a cross (X) upon their ballots, with pencil or ink, after the words "Bonds—Yes," or "Bonds—No," (as the case may be) to indicate whether they have voted for or against the issuance of the bonds; which said ballot shall be handed by the elector voting to the inspector, who shall then, in his presence, deposit the same in the ballot box, and the judges shall enter the elector's name on the poll list.

SEC. 33. On the seventh day after said election, at eight o'clock P. M., the returns having been made to the board of trustees, the board must meet and canvass said returns, and if it appears that a majority of the votes cast at said election was in favor of issuing such bonds, then the board shall cause an entry of such fact to be made upon its minutes and shall certify to the board of supervisors of the county, all the proceedings had in the premises, and thereupon said board of supervisors shall be and they are hereby authorized and directed to issue the bonds of said district, to the number and amount provided in such proceedings, payable out of the building fund of such district, naming the same, and that the money shall be raised by taxation upon the taxable property in said district, for the redemption of said bonds and the payment of the interest thereon; *provided*, that the total amount of bonds so issued shall not exceed five per cent of the taxable property of said district, as shown by the last equalized assessment book of the county. Canvass of returns.

SEC. 34. The board of supervisors by an order entered upon its minutes shall prescribe the form of said bonds and of the interest coupons attached thereto, and must fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than forty years from the date thereof. Form of bonds.

SEC. 35. Said bonds must not bear a greater amount of interest than six per cent, said interest to be payable annually or semi-annually; and said bonds must be sold in the manner prescribed by the board of supervisors, but for not less than par, and the proceeds of the sale thereof must be deposited in the county treasury to the credit of the building fund of said library district, and be drawn out for the purposes aforesaid as other library moneys are drawn out. Interest.

SEC. 36. The board of supervisors, at the time of making the levy of taxes for county purposes, must levy a tax for that year upon the taxable property in such district, at the equalized assessed value thereof for that year, for the interest and redemption of said bonds, and such tax must not be less than sufficient to pay the interest of said bonds for that year, and such portion of the principal as is to become due during such year, and in any event must be high enough to raise, annually, for the first half of the term said bonds have to run, Tax levy for interest and redemption.

a sufficient sum to pay the interest thereon, and during the balance of the term, high enough to pay such annual interest and to pay, annually, a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run, and all moneys so levied, when collected, shall be paid into the county treasury to the credit of the said library district, and be used for the payment of principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer, upon the warrant of the county auditor, out of the fund provided therefor; and it shall be the duty of the county auditor to cancel and file with the county treasurer the bonds and coupons as rapidly as they are paid.

Unsold
bonds, dis-
position of.

SEC. 37. Whenever any bonds issued under the provisions of this act shall remain unsold for the period of six months after having been offered for sale in the manner prescribed by the board of supervisors, the board of trustees of the library district for or on account of which said bonds were issued, or of any library district composed wholly or partly of territory which, at the time of holding the election authorizing the issuance of such bonds, was embraced within the district for or on account of which such bonds were issued, may petition the board of supervisors to cause such unsold bonds to be withdrawn from market and canceled. Upon receiving such petition, signed by a majority of the members of said board of trustees, the supervisors shall fix a time for hearing the same, which shall be not more than thirty days thereafter, and shall cause a notice, stating the time and place of hearing, and the object of the petition in general terms, to be published for ten days prior to the day of hearing, in some newspaper published in said library district, if there is one, and if there is no newspaper published in said library district, then in a newspaper published at the county seat of the county in which said library district or part thereof is situated. At the time and place designated in the notice for hearing said petition, or at any subsequent time to which said hearing may be postponed, the supervisors shall hear any reasons that may be submitted for or against the granting of the petition, and if they shall deem it for the best interests of the library district named in the petition that such unsold bonds be canceled, they shall make and enter an order in the minutes of their proceedings that said unsold bonds be canceled, and thereupon said bonds, and the vote by which they were authorized to be issued, shall cease to be of any validity whatever.

Dissolu-
tion of
district.

SEC. 38. The district may at any time be dissolved upon the vote of two thirds of the qualified electors thereof, upon an election called by the library trustees of such district, upon the question of dissolution. Such election shall be called and conducted in the same manner as other elections of the district. Upon such dissolution, the property of the district

shall vest in any incorporated town or city that may at such time be in occupation of a major portion of the territory of such library district and including within its town or city limits the property and buildings wherein the library is situated; and if there be no such incorporated town or city, then the property shall be vested in the board of supervisors of the county until the formation of such a town or city; *provided, however,* that if, at the time of such election to dissolve such district, there be any outstanding bonded indebtedness of such district, the vote to dissolve such district shall dissolve the same for all purposes excepting only the levy and collection of taxes for the payment of such indebtedness; and from the time such district is thus dissolved until such bonded indebtedness, with the interest thereon, is fully paid, satisfied and discharged, the legislative authority of such incorporated town or city, or the board of supervisors, if there be no such incorporated town or city, is hereby constituted *ex officio* the library board of such district. And it is hereby made obligatory upon such board to levy such taxes and perform such other acts as may be necessary in order to raise money for the payment of such indebtedness and the interest thereon, as herein provided.

Dissolution of district.

SEC. 39. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SEC. 40. This act shall take effect immediately.

CHAPTER 481.

An act to amend an act approved March 23, 1901, and entitled "An act to provide for the establishment and maintenance of public libraries within municipalities."

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. An act approved March 23, 1901, and entitled "An act to provide for the establishment and maintenance of public libraries within municipalities" is hereby amended by changing sections seven, eight, and striking out sections thirteen and fourteen thereof, so as to make said act read as follows:

Public libraries in municipalities.

Section 1. The common council, board of trustees, or other legislative body of any incorporated city or town in the State of California, may, and upon being requested to do so by one fourth of the electors of such municipal corporation in the manner hereinafter provided, must, by ordinance, establish in and for said municipality a public library; *provided,* there be none already established therein.

Establishment.

Petitions
for.

Section 2. The request referred to in the preceding section may be by a single petition, or by several petitions; *provided*, that such several petitions be substantially in the same form, and that such single petition has, or such several petitions in the aggregate have, the signatures of the requisite number of electors.

Manage-
ment.

Section 3. Such public library shall be managed by a board designated as the board of library trustees, consisting of five members, to be appointed by the mayor, president of the board of trustees or other executive head of the municipality, by and with the consent of the legislative body of said municipality. Such trustees shall severally hold office for three years, serving without compensation; *provided*, that the members of the first board appointed shall so classify themselves by lot that one of their number shall go out of office at the end of the current fiscal year, two at the end of one year thereafter, and the other two at the end of two years thereafter. Men and women shall be equally eligible to such an appointment, and vacancies shall be filled by appointment for the unexpired term in the same manner.

Trustees,
meetings
of.

Section 4. Boards of library trustees shall meet at least once a month at such times and places as they may fix by resolution. Special meetings may be called at any time by three trustees, by written notice served upon each member at least three hours before the time specified for the proposed meeting. A majority of the board shall constitute a quorum for the transaction of business. Such boards shall appoint one of their number president, who shall serve for one year and until his successor is appointed, and in his absence shall select a president pro tem. Such boards shall cause a proper record of their proceedings to be kept.

Powers of
trustees.

Section 5. Boards of library trustees shall have power:

First—To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the libraries under their management, and all property belonging thereto.

Second—To administer any trust declared or created for such libraries, and receive by gift, devise, or bequest and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such libraries.

Third—To prescribe the duties and powers of the librarian, secretary and other officers and employes of any such libraries; to determine the number of and appoint all such officers and employes, and to fix their compensation, which said officers and employes shall hold their offices or positions at the pleasure of said boards.

Fourth—To purchase necessary books, journals, publications and other personal property.

Fifth—To purchase such real property, and erect or rent and equip, such buildings or building, room or rooms, as may be necessary, when in their judgment a suitable building, or portion thereof, has not been provided by the legislative body of the municipality for such libraries.

Sixth—To require the secretary of state and other state officials to furnish such libraries with copies of any and all reports, laws and other publications of the state not otherwise disposed of by law.

Seventh—To borrow books from, lend books to and exchange the same with other libraries, and to allow non-residents to borrow books upon such conditions as they may prescribe.

Eighth—To do and perform any and all other acts and things necessary or proper to carry out the provisions of this act.

Section 6. Boards of library trustees shall, on or before the last day of July in each year, make a report to the legislative body of their municipality, giving the condition of the library on the thirtieth day of June preceeding, together with a statement of their proceedings for the year then ended, and forward a copy thereof to the state library at Sacramento. Annual reports.

Section 7. The legislative body of any municipality in which a public library has been established in accordance with this act, shall in making the annual tax levy and as part thereof, if the maintenance of the library has not been otherwise provided for, levy a tax for the purpose of maintaining such library and purchasing property necessary therefor, which tax shall be in addition to other taxes, the levy of which is permitted in the municipality. *Provided* that after two years from the establishment of new libraries thereunder, where a maintenance corresponding thereto, has not been otherwise provided, in municipalities of the first, second and third classes, such tax levy shall not exceed two mills on the dollar of assessed valuation, and in municipalities of the fourth, fifth and sixth classes such levy shall not exceed three mills on the dollar of assessed valuation. Annual tax levy.

Section 8. The revenue derived from said tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purposes of the library, shall be apportioned to a fund to be designated the library fund, and be applied to the purposes herein authorized. If such payment into the treasury should be inconsistent with the conditions or terms of any such gift, devise, bequest, the board shall provide for the safety and preservation of the same, and the application thereof to the use of the library, in accordance with the terms and conditions of such gift, devise or bequest. Payments from this fund shall be made upon warrants issued after due audit by, and an order from, the library trustees, which warrants shall be signed by the president and secretary of said board of library trustees. The treasurer of the municipality shall pay such warrants without any further order or warrant from any other authority. Disposition of revenue.

Section 9. Every library established under this act shall be forever free to the inhabitants and non-resident taxpayers of the municipality, subject always to such rules, regulations and by-laws as may be made by boards of library trustees; *and provided*, that for violations of the same a person may be fined or excluded from the privileges of the library. Library to be free.

Loaning of books. Section 10. Boards of library trustees and the legislative bodies of neighboring municipalities or boards of supervisors of the counties in which public libraries are situated, may contract for lending the books of such libraries to residents of such counties or neighboring municipalities, upon a reasonable compensation to be paid by such counties or neighboring municipalities.

Title to property shall vest in whom. Section 11. The title to all property acquired for the purposes of such libraries, when not inconsistent with the terms of its acquisition, or otherwise designated, shall vest in the municipalities in which such libraries are, or are to be, situated, and in the name of the municipal corporations may be sued for and defended by action at law or otherwise.

Act of 1880 repealed. Section 12. An act entitled "An act to establish free public libraries and reading rooms," approved April twenty-six, eighteen hundred and eighty, is hereby repealed; *provided*, that as to existing libraries this act is to be deemed a continuation thereof, and such libraries shall be governed hereby accordingly; *provided, however*, that this act shall have no application to any library established or governed by the provisions of a city charter, and the provisions of any city charter shall in no manner be affected by this act.

Disestablishment of library. Section 13. Any ordinance establishing a library adopted under the provisions of section one of this act must be repealed by the body which adopted the same upon being requested to do so by fifty-one per cent. of the electors of such municipal corporations, as shown by the great register then in force, and upon the repeal of such ordinance such library shall be disestablished in such municipal corporation.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby modified in accordance with this act.

CHAPTER 482.

An act to validate the organization and incorporation of municipal corporations.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Validating certain municipal corporations. SECTION 1. All municipal corporations, the organization and incorporation of which have been authenticated by an order of a board of supervisors in this state, declaring the same incorporated as municipal corporations of the classes to which such corporations may respectively belong, and a certified copy of which order has been filed by such board of supervisors in the office of the secretary of state, and which corporations thereafter have acted in the form and manner of municipal

corporations under the provisions of "An act to provide for the organization, incorporation, and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, and the amendments thereto, are hereby declared to be and to have been municipal corporations from the date of filing the certified copy of said order of the board of supervisors with the secretary of state; and all the acts of the said municipal corporations heretofore performed according to the act aforesaid, are hereby validated, and declared to be legal; *provided, however*, that all municipal corporations shall be excepted from the operation of this act where the right to act as such is being contested or inquired into in any legal proceeding brought within six months after the certified copy of the order of the board of supervisors was filed in the office of the secretary of state.

Excep-
tions.

CHAPTER 483.

An act to change, establish and permanently locate the boundary lines of the county of Kings, and a portion of the south and east boundary lines of the county of Fresno.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The boundary lines of the county of Kings are hereby changed, established and permanently located as follows, viz:

Boundary
lines of
Kings
county.

Beginning at the northeast corner of section one (1) in township seventeen (17) south, range twenty-two (22) east, Mount Diablo base and meridian; thence south six (6) miles; thence east three (3) miles; thence south nine miles (9) to the southeast corner of section sixteen (16) in township nineteen (19) south, range twenty-three (23) east, Mount Diablo base and meridian; thence west three (3) miles to the southeast corner of section thirteen (13) in township nineteen (19) south, range twenty-two (22) east, Mount Diablo base and meridian; thence south nine (9) miles to the southeast corner of township twenty (20) south, range twenty-two (22) east, Mount Diablo base and meridian; thence west to the northeast corner of township twenty-one (21) south, range twenty-two (22) east; thence south twenty-four (24) miles to the north boundary line of Kern county, as now established by law; thence west along said north boundary of Kern county to the corner common to the counties of Monterey, San Luis Obispo and Kern, as now established by law; thence in a northwesterly direction along the line between the counties of Monterey and Kings as now established by law, to the cor-

Boundary
lines of
Kings
county.

ner common to the counties of Kings, Monterey and Fresno; thence in a northeasterly direction along the boundary line between Fresno and Kings county as now established by law to the corner common to sections thirteen (13) and twenty-four (24) in township twenty (20) south, range eighteen (18) east. Mount Diablo base and meridian, and sections eighteen (18) and nineteen (19) in township twenty (20) south, range nineteen (19) east, Mount Diablo base and meridian, the same being the northwest corner of section nineteen (19) in township twenty (20) south range nineteen (19) east, Mount Diablo base and meridian; thence north fifteen miles (15) to the southwest corner of section thirty-one (31) in township seventeen (17) south of range nineteen (19) east, Mount Diablo base and meridian; thence east along the township line a distance of eleven and one half miles, more or less, to the point where said township line intersects the center line of the main channel of Kings river; thence northeasterly and easterly following the meander of the said center line of the main channel of Kings river to the point where said center line intersects the boundary line between the county of Fresno and the county of Kings as now established by law; thence northeasterly along said boundary line to the corner common to the counties of Tulare, Fresno and Kings; thence east along the fourth standard parallel line south, Mount Diablo base and meridian to the point of beginning.

Boundary
line
between
Kings and
Fresno
counties.

SEC. 2. The boundary line of Fresno county between Fresno and Kings is hereby declared to be as follows: Beginning at the corner common to the counties of Kings, Monterey and Fresno; thence in a northeasterly direction along the boundary line between Fresno and Kings county as now established by law, to the corner common to sections thirteen (13) and twenty-four (24) in township twenty (20) south, range eighteen east (18) Mount Diablo base and meridian and sections eighteen (18) and nineteen (19) in township twenty (20) south, range nineteen (19) east, Mount Diablo base and meridian, the same being the northwest corner of section nineteen (19) in township twenty (20) south, range nineteen (19) east, Mount Diablo base and meridian; thence north fifteen miles (15) to the southwest corner of section thirty-one (31) in township seventeen (17) south, range nineteen (19) east, Mount Diablo base and meridian; thence east along the township line a distance of eleven and one half miles more or less to a point where said township line intersects the center line of the main channel of Kings river; thence northeasterly and easterly following the meander of said center line of the main channel of Kings river to the point where said center line of the main channel of Kings river intersects the boundary line between the county of Fresno and the county of Kings as now established by law; thence northeasterly along said boundary line to the corner common to the counties of Tulare, Fresno and Kings.

Terms of
officers in
territory
affected.

SEC. 3. All justices of the peace, and all constables, duly elected and qualified and residents of the said territory therein

described at the taking effect of this act shall hold their offices for the terms provided by law for the respective townships in which they reside. All school trustees acting as such at the time of the taking effect of this act, and residents of the said territory herein described, shall hold their offices for the time provided by law, for the respective school districts in which they severally reside, as such districts are now organized. The county superintendent of schools of Fresno county is hereby directed to draw his warrant in favor of the county treasurer of Kings county for all school moneys apportioned or to be apportioned on the basis of the present school year to the school districts situated within the exterior boundaries of the territory described in section one of this act and the treasurer of Fresno county is hereby directed to pay the same. All notaries public residents of the said territory herein described shall hold their offices until the expiration of their terms.

School moneys.

Notaries public.

SEC. 4. All taxes assessed and levied prior to the first Monday of March, 1909, and constituting a lien on the territory now belonging to Fresno county and hereby annexed to Kings county shall belong to and be paid to Fresno county and all taxes assessed and levied on and after the first Monday of March, 1909, on said territory shall belong to and be paid to Kings county.

Taxes.

SEC. 5. This act shall take effect and be in force from and after its passage and all acts and parts of acts inconsistent with this act are hereby repealed.

CHAPTER 484.

An act providing for an appropriation of thirty thousand dollars for the purpose of purchasing additional land for the Whittier State School.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of thirty thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the purpose of purchasing forty acres of land adjoining the grounds of the Whittier State School in the county of Los Angeles, to provide additional land for the said Whittier State School.

Appropriation to purchase land.

SEC. 2. The state controller is hereby authorized to draw his warrant in favor of the board of trustees of the Whittier State School for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

CHAPTER 485.

An act appropriating ten thousand dollars for the purpose of building one cottage for the Whittier State School.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation to build cottage.

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated for the purpose of building one cottage on the grounds of the Whittier State School.

SEC. 2. The state controller is hereby authorized to draw his warrant in favor of the board of trustees of the Whittier State School for the amount herein appropriated, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall be exempt from the provisions of the act of the legislature approved March 23, 1876, relating to state erections and buildings, and all acts amendatory thereto.

CHAPTER 486.

An act making an appropriation for the construction of an addition to the hospital at the Veterans' Home of California located at Yountville, Napa county, including a ward for the care and treatment of tuberculous patients.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation to construct addition to hospital.

SECTION 1. The sum of five thousand dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated for the construction of an addition to the hospital at the Veterans' Home of California, located at Yountville, Napa county, including the construction of a ward for the care and treatment of tuberculous patients.

SEC. 2. The controller is hereby authorized to draw his warrant in favor of the board of directors of the Veterans' Home of California for the money hereby appropriated.

SEC. 3. This act shall take effect from and after July 1st, 1909.

CHAPTER 487.

An act making an appropriation to complete certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa county.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended for the completion of the septic tanks and connections for sewage, and for change in the storm water connections for sewers to surface drains at the Veterans' Home of California, located at Yountville, Napa county, provided for by an act approved March 11th, 1907. Appropriation to complete sewers.

SEC. 2. The controller is hereby authorized to draw his warrant in favor of the board of directors of the Veterans' Home of California for the money hereby appropriated.

SEC. 3. This act shall take effect immediately.

CHAPTER 488.

An act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa county, and making an appropriation therefor.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of five thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated for the construction of an additional building at the Veterans' Home of California located at Yountville, Napa county, to be used as a storehouse for quartermaster and commissary supplies. The said appropriation shall be in addition to the appropriation of five thousand dollars made by an act approved March 11th, nineteen hundred and seven, which said last mentioned appropriation has not been drawn against. Appropriation to construct additional storehouse.

SEC. 2. The controller is hereby authorized to draw his warrant in favor of the board of directors of the Veterans' Home of California for the money hereby appropriated.

SEC. 3. This act shall take effect from and after July 1st, 1909.

CHAPTER 489.

An act authorizing and directing the board of managers of the Napa State Hospital to erect and furnish cottages for the accommodation of female patients at the Napa State Hospital, and making an appropriation therefor.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation to construct cottages for female patients.

SECTION 1. The sum of forty thousand dollars, or so much thereof as may be necessary is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of managers of the Napa State Hospital, not more than thirty-five thousand dollars of which shall be used for the erection and construction on the grounds of the said state hospital of cottages sufficient for the accommodation of two hundred female patients and not more than five thousand dollars of which shall be used for the furnishing and equipment of the said cottages.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the board of managers of the Napa State Hospital for the amount hereby appropriated and the treasurer to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

CHAPTER 490.

An act authorizing and directing the board of managers of the Napa State Hospital to erect and furnish cottages for the accommodation of male patients at the Napa State Hospital, and making an appropriation therefor.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation to construct cottages for male patients.

SECTION 1. The sum of \$12,000.00, or so much thereof as may be necessary is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of managers of the Napa State Hospital not more than \$10,000.00 of which shall be used for the erection and construction on the grounds of the said state hospital of cottages sufficient for the accommodation of one hundred male patients

and not more than \$2,000.00 of which shall be used for the furnishing and equipment of the said cottages.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the board of managers of the Napa State Hospital for the amount hereby appropriated and the treasurer to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

CHAPTER 491.

An act appropriating money for the building and equipping of a central heating and power station, and to make the necessary changes in the plumbing at the Preston School of Industry.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twenty-five thousand dollars, to be used by the trustees of the Preston School of Industry for the building and equipping of a central heating and power station, and to make the necessary changes in the plumbing at the Preston School of Industry.

Appropriation to build heating station.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of said board of trustees of the Preston School of Industry for the amount of money appropriated by section one of this act, and the state treasurer is hereby directed to pay the same out of said appropriation.

SEC. 3. All plans, descriptions, bills of material, specifications and estimates requisite, necessary, proper or convenient for any of the purpose aforesaid, shall receive the sanction of a majority of the board of trustees of the Preston School of Industry, who shall cause an entry to be made in their minutes that such plans, descriptions, bills of material, specifications and estimates have been approved. The directions herein shall be exempt from the provisions of an act entitled "An act to regulate contracts on behalf of the state, in relation to erections and buildings," approved March 23d, 1876. All bills for improvements, repairs and construction shall first be audited by the board of trustees of the Preston School of Industry and be approved by the state board of examiners before being paid.

Power of trustees as to plans and contracts.

Audit of bills.

SEC. 4. This act shall take effect July 1st, 1909.

CHAPTER 492.

An act appropriating money for finishing and furnishing assembly hall and equipping gymnasium at the Preston School of Industry.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation to furnish assembly hall and gymnasium.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of six thousand two hundred and fifty dollars, to be used by the trustees of the Preston School of Industry for the furnishing of the assembly hall and equipping the gymnasium at said school.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of said board of trustees of the Preston School of Industry for the amount of money appropriated by section one of this act, and the state treasurer is hereby directed to pay the same out of said appropriation.

Powers of trustees as to plans and contracts.

SEC. 3. All plans, descriptions, bills of material, specifications and estimates requisite, necessary, proper or convenient for any of the purposes aforesaid, shall receive the sanction of a majority of the board of trustees of the Preston School of Industry, who shall cause an entry to be made in their minutes that such plans, descriptions, bills of material, specifications and estimates have been approved. And the directions herein shall be exempt from the provisions of an act entitled "An act to regulate contracts on behalf of the state, in relation to erections and buildings," approved March 23d, 1876. All bills for improvements, repairs and construction shall first be audited by the board of trustees of the Preston School of Industry and be approved by the state board of examiners before being paid.

Audit of bills.

SEC. 4. This act shall take effect July 1st, 1909.

CHAPTER 493.

An act appropriating money for the equipment of the trades building at the Preston School of Industry.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation to equip trades building.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of five thousand dollars, to be used by the trustees of the Preston School of Industry for the equipment of the trades building at said school.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of said board of trustees of the Preston School of Industry for the amount of money appropriated by section one of this act, and the state treasurer is hereby directed to pay the same out of said appropriation.

SEC. 3. This act shall take effect July 1st, 1909.

CHAPTER 494.

An act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of seven thousand and five hundred dollars, to be used by the Preston School of Industry, for the purchase of bedding and furniture and for repairs for the use of said school.

Appropriation for furniture and repairs.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of said board of trustees of the Preston School of Industry, for the amount of money appropriated by section one of this act, and the state treasurer is hereby directed to pay the same out of said appropriation.

SEC. 3. This act shall take effect July 1st, 1909.

CHAPTER 495.

An act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to erect, construct, and equip a pavilion to be used as a gymnasium for boys at the California Home for Feeble-Minded Children, and making an appropriation therefor.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of managers of the California Home for the Care and Training of Feeble-Minded Children

Appropriation to erect gymnasium for boys.

for the purpose of erecting, constructing, and equipping a pavilion to be used as a gymnasium for boys at said home.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the board of managers of the California Home for the Care and Training of Feeble-Minded Children for the amount appropriated by section one of this act, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect July 1, 1909.

CHAPTER 496.

An act authorizing and directing the board of managers of the California Home for the Care and Training of Feeble-Minded Children to purchase and install laundry machinery at the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

[Approved April 12, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation for laundry.

SECTION 1. The sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of managers of the California Home for the Care and Training of Feeble-Minded Children for the purchase and installation of laundry machinery at said home.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the board of managers of the California Home for the Care and Training of Feeble-Minded Children for the amount appropriated by section one of this act, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1909.

CHAPTER 497.

An act authorizing and directing the board of managers of the Mendocino State Hospital to erect and construct an addition to the main kitchen at said hospital; to construct in conjunction with said kitchen a dining-room for kitchen help; to purchase a new kitchen range, steam table and other necessary kitchen furniture; to enlarge the cold storage rooms at said hospital, and making an appropriation therefor.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of managers of the Mendocino State Hospital for the purpose of erecting and constructing an addition to the main kitchen at said hospital; constructing in conjunction with said kitchen a dining-room for kitchen help; purchasing a new kitchen range, steam table, and other necessary kitchen furniture; and enlarging the cold storage rooms at said hospital.

Appropriation to construct and furnish kitchen.

SEC. 2. In calling for bids and awarding contracts under this act, said board of managers may, if in their judgment they think that such action would be for the best interests of the state, disregard the provisions of section three of an act entitled "An act to regulate contracts on behalf of the state, in relation to erections and buildings," approved March 26, 1876, and amended March 20, 1905, in so far as said section relates to a call for separate bids and to the award of separate contracts for the furnishing of materials and the performance of work thereunder.

Contracts.

SEC. 3. The controller of state is hereby authorized and directed to draw his warrants in favor of said board of managers for the amount herein made payable, in such amounts and at such times as may be approved by the state board of examiners, and the state treasurer is hereby directed to pay the same.

SEC. 4. This act shall take effect and be in force from and after July 1, 1909.

CHAPTER 498.

An act authorizing and directing the board of managers of the Mendocino State Hospital to purchase laundry machinery for the said hospital, and making an appropriation therefor.

[Approved April 12, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation to purchase laundry machinery.

SECTION 1. The sum of twenty-five hundred dollars (\$2,500.00), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of managers of the Mendocino State Hospital, for the purchase of laundry machinery for said hospital, and the said board of managers is hereby authorized and directed to purchase the same.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrants in favor of said board of managers for the amount herein made payable, in such amounts and at such times as may be approved by the state board of examiners, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1909.

CHAPTER 499.

An act making an appropriation for the erection and construction of a dairy barn on the grounds of the Mendocino State Hospital.

[Approved April 12, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation to erect dairy barn.

SECTION 1. The sum of five thousand dollars (\$5,000.00), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of managers of the Mendocino State Hospital for the purpose of erecting and constructing a dairy barn on the grounds of the said hospital.

Contracts.

SEC. 2. In calling for bids and awarding contracts under this act, said board of managers may, if in their judgment they think that such action would be for the best interests of the state, disregard the provisions of section three of an act entitled "An act to regulate contracts on behalf of the state, in relation to erections and buildings," approved March 26, 1876, and

amended March 20, 1905, in so far as said section relates to a call for separate bids and to the award of separate contracts for the furnishing of materials and the performance of work thereunder.

SEC. 3. The controller of state is hereby authorized and directed to draw his warrants in favor of said board of managers for the amount herein made payable, in such amounts and at such times as may be approved by the state board of examiners, and the state treasurer is hereby directed to pay the same.

SEC. 4. This act shall take effect and be in force from and after July 1, 1909.

CHAPTER 500.

An act to provide an additional appropriation for the erection of a training school building for the use of the state normal school at San Diego, California, and to equip the same.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of ten thousand dollars, to be expended, in addition to that heretofore appropriated, by the board of trustees of the state normal school at San Diego, for the purpose of completing the erection of an additional building and equipping the same on the grounds belonging to the State of California on which the state normal school of San Diego is located. Said additional building and equipment when completed shall be used for a training school in connection with the said state normal school of San Diego.

Appropriation to complete training school building.

SEC. 2. The state controller is hereby directed to draw his warrants in favor of the board of trustees of said state normal school, for the money herein appropriated, and the state treasurer is hereby directed to pay said warrants.

SEC. 3. All bills for material and labor in carrying out the provisions of section 1 of this act shall be first audited by the board of trustees of said state normal school and approved by the state board of examiners before being paid.

Audit of bills.

SEC. 4. This act shall take effect immediately.

CHAPTER 501.

An act to provide for the erection of a training school building for the use of the state normal school at Chico, California, and make an appropriation therefor.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation to erect training school building.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of thirty thousand dollars, to be expended by the board of trustees of the state normal school at Chico, for the purpose of erecting an additional building on the ground belonging to the State of California, on which the state normal school is located. Said additional building when completed shall be used for a training school in connection with the said state normal school at Chico.

SEC. 2. The state controller is hereby directed to draw his warrant in favor of the board of trustees of said state normal school, for the money herein appropriated, and the state treasurer is hereby directed to pay said warrants.

Audit of bills.

SEC. 3. All bills for material and labor in carrying out the provision of section 1 of this act, shall be first audited by the board of trustees of said state normal school and approved by the state board of examiners before being paid.

SEC. 4. This act shall take effect immediately.

CHAPTER 502.

An act to appropriate money to protect the banks of Eel river from erosion by means of jetty work and riprap along the banks thereof.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation to protect banks of Eel river.

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used for the purpose of protecting the banks of Eel river from erosion by means of jetty work and riprap along the banks thereof in the manner hereinafter specified. Said money shall be expended in sections 2, 3, 4, 10, 11, 13, 14, 15, 22, 23, township 2 N. R. 1 W. H. M., section 24, township 1 N. R. 1 E. H. M., section 19, township 1 N. R. 2 E. H. M., and section 34, township 3 N. R. 1 W.

H. M., or any one or more of said sections by and under the direction of the department of engineering and as the said department may determine. The money hereby appropriated shall be made available for the purposes herein named at the following times: fifteen thousand dollars on and after the first day of June, 1909, and ten thousand dollars on and after the first day of July, 1910. The work shall be commenced as soon as the money appropriated is available and completed as soon as possible.

When available.

SEC. 2. Whenever the parties benefited by the protection of the banks of said Eel river shall deposit to the credit of the department of engineering any sum of money for the purpose of undertaking new riprap work along said river, there shall be expended out of the money herein appropriated and under the direction of the said department, a like sum to be used for said new work; *provided, however*, that the said department may repair out of the money herein appropriated, and without said contribution, any riprap work which has heretofore been done under said department.

Deposit of moneys by private parties.

SEC. 3. The state controller is hereby authorized to draw his warrants in favor of the department of engineering for the amount hereby appropriated at the times provided herein for the payment of the same, and the state treasurer is hereby directed to pay the same.

CHAPTER 503.

An act appropriating money to be expended by and under the direction of the department of engineering for the purpose of making a preliminary survey of Humboldt bay and gathering data for a report to the legislature as to the necessity of dredging and removing sand and other deposits formed across the channels of said bay and as to the best manner of removing said deposits that the navigability of said bay may be improved and making an estimate of the cost thereof.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of two thousand dollars or so much thereof as may be necessary is hereby appropriated, to be paid to the department of engineering, to be expended for the purpose of making a preliminary survey of Humboldt bay and gathering data for a report to the legislature as to the necessity of dredging and removing sand and other deposits formed across the channels of said bay and as to the best manner of removing said sand and other deposits, that the navigability

Appropriation for preliminary survey.

of said bay may be improved and making an estimate of the cost thereof.

SEC. 2. The state controller is hereby authorized to draw his warrants in favor of the department of engineering for the amount hereby appropriated, and the state treasurer is hereby directed to pay the same.

CHAPTER 504.

An act to appropriate \$3,000.00 for the purchase of additional furniture and equipment for the use of the state normal school at Los Angeles, and to make necessary repairs and improvements in the buildings of said normal school.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation for furniture and repairs.

SECTION 1. That there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of three thousand dollars to be paid on the order of the board of trustees of the state normal school at Los Angeles, for the purchase of additional furniture and equipment for the use of the state normal school at Los Angeles, and to make necessary repairs and improvements in said state normal school; of which sum fifteen hundred dollars shall be appropriated and paid out for the purchase of additional furniture and equipment, and fifteen hundred dollars is appropriated for repairs and improvements in the building.

CHAPTER 505.

An act authorizing the payment into the general fund of the state treasury of moneys held for the redemption of certain coupons of the civil bonds of 1857 and providing for the redemption of said coupons.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Certain coupon redemption moneys transferred.

SECTION 1. The state controller is hereby authorized to order into the state treasury, and the state treasurer is hereby authorized to receive and pay into the general fund, the sum of one hundred and forty dollars held by the state treasurer a trustee for the redemption of certain coupons of the civil

bonds of 1857, bearing the number and for the amount, respectively, as follows: Coupon number twenty-seven of bond number five hundred and fifty-two, thirty-five dollars; coupon number twenty-seven of bond number five hundred and seventy-six, seventeen and one half dollars; coupon number twenty-seven of bond number six hundred and twenty-five, seventeen and one half dollars; coupon number twenty-nine of bond number eight hundred and forty-six, seventeen and one half dollars; coupon number thirty-one of bond number eleven hundred and twenty, seventeen and one half dollars; and coupon number thirty-three of bond number twenty-four hundred and eighty-three, thirty-five dollars.

SEC. 2. Upon presentation of any of said coupons for redemption the state controller shall draw his warrant upon the general fund for the necessary amount for the redemption of such coupon or coupons and the state treasurer shall pay the same. Payment of coupons.

SEC. 3. This act shall take effect immediately.

CHAPTER 506.

An act authorizing the payment into the general fund of the state treasury of moneys held for the redemption of certain coupons of the Central Pacific Railroad bonds of 1864 and providing for the redemption of said coupons.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The state controller is hereby authorized to order into the state treasury, and the state treasurer is hereby authorized, to receive, and pay into the general fund, the sum of ten hundred and eighty-five dollars held by the state treasurer as trustee for the redemption of certain coupons of the Central Pacific Railroad bonds of 1864, bearing the number and for the amount, respectively, as follows: Coupon number twenty-five, thirty-five dollars; coupon number twenty-seven, three hundred and eighty-five dollars; coupon number thirty-one, thirty-five dollars; coupon number thirty-two, seventy dollars; coupon number thirty-six, thirty-five dollars; coupon number thirty-seven, four hundred and ninety dollars; and coupon number thirty-nine, thirty-five dollars. Transfer of certain coupon redemption moneys.

SEC. 2. Upon presentation of any of said coupons for redemption the state controller shall draw his warrant upon the general fund for the necessary amount for the redemption of such coupon or coupons and the state treasurer shall pay the same. Payment of coupons.

SEC. 3. This act shall take effect immediately.

CHAPTER 507.

An act appropriating the sum of two thousand five hundred dollars for the purchase of sterilizers, and ambulance and hospital appliances and instruments at the Veterans' Home of California located at Yountville, Napa county.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation to purchase sterilizers, etc.

SECTION 1. The sum of two thousand five hundred (\$2500) dollars, or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated for the purpose of purchasing sterilizers, an ambulance and hospital appliances and instruments at the Veterans' Home of California, located at Yountville, Napa county.

SEC. 2. The controller is hereby authorized to draw his warrant in favor of the board of directors of the Veterans' Home of California for the money hereby appropriated.

SEC. 3. This act shall take effect from and after July 1st, 1909.

CHAPTER 508.

An act providing for certain necessary repairs to the buildings and equipment of the Veterans' Home of California located at Yountville, Napa county, and making an appropriation therefor.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation to repair buildings.

SECTION 1. The sum of thirty thousand dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of making necessary repairs to the buildings and equipments of the Veterans' Home of California located at Yountville, Napa county.

SEC. 2. The controller is hereby authorized to draw his warrant in favor of the board of directors of the Veterans' Home of California for the money hereby appropriated.

SEC. 3. This act shall take effect from and after July 1st, 1909.

CHAPTER 509.

An act making an appropriation for the purchase of equipment for shops and laboratories at the California Polytechnic School.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of six thousand (\$6,000) dollars to be used for the purchase of equipment for shops and laboratories at the California Polytechnic School. All bills for materials, or in payment, in whole or in part, of any contract, shall be audited by the board of trustees of said school and approved by the state board of examiners before being paid.

Appropriation to equip shops.

SEC. 2. The controller is hereby authorized to draw warrants from time to time in favor of said board of trustees upon its requisition for the same, and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1909.

CHAPTER 510.

An act making an appropriation for the erection of a combined power and lighting plant with a mechanical and electrical laboratory at the California Polytechnic School.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of ten thousand dollars to be used in the erection of a combined power and lighting plant with a mechanical and electrical laboratory at the California Polytechnic School. All bills for materials, or in payment, in whole or in part, of any contract, shall be audited by the board of trustees of said school and approved by the state board of examiners before being paid.

Appropriation to erect power and lighting plant.

SEC. 2. The controller is hereby authorized to draw warrants from time to time in favor of said board of trustees upon its requisition for the same, and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1909.

CHAPTER 511.

An act making an appropriation for the construction and equipment of barns at the California Polytechnic School.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation to erect barns.

SECTION 1. There is hereby appropriated out of the money in the state treasury not otherwise appropriated the sum of five thousand dollars to be used for the construction and equipment of barns at the California Polytechnic School. All bills for materials, or in payment, in whole or in part, of any contract, shall be audited by the board of trustees of said school and approved by the state board of examiners before being paid.

SEC. 2. The controller is hereby authorized to draw warrants from time to time in favor of said board of trustees upon its requisition for the same, and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1909.

CHAPTER 512.

An act making an appropriation for the construction and furnishing of a dining hall at the California Polytechnic School.

Appropriation to erect dining hall.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation to erect dining hall.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of ten thousand (\$10,000) dollars to be used in the construction and furnishing of a dining hall at the California Polytechnic School. All bills for materials, or in payment, in whole or in part, of any contract, shall be audited by the board of trustees of said school and approved by the state board of examiners before being paid.

SEC. 2. The controller is hereby authorized to draw warrants from time to time in favor of said board of trustees upon its requisition for the same, and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1909.

CHAPTER 513.

An act making an appropriation for the construction of a cottage for employees at the California Polytechnic School.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of twenty-three hundred dollars for the construction of a cottage for employees at the California Polytechnic School. All bills for materials, or in payment, in whole or in part, of any contract, shall be audited by the board of trustees of said school and approved by the state board of examiners before being paid.

Appropriation to erect cottage for employees.

SEC. 2. The controller is hereby authorized to draw warrants from time to time in favor of said board of trustees upon its requisition for the same, and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1909.

CHAPTER 514.

An act making an appropriation for the development of water supply and an irrigation system at the California Polytechnic School.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of six thousand dollars to be used for the development of water supply and an irrigation system at the California Polytechnic School. All bills for materials, or in payment, in whole or in part, of any contract, shall be audited by the board of trustees of said school and approved by the state board of examiners before being paid.

Appropriation to develop water supply.

SEC. 2. The controller is hereby authorized to draw warrants from time to time in favor of said board of trustees upon its requisition for the same, and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1909.

CHAPTER 515.

An act making an appropriation for the construction of a sewer system at the California Polytechnic School.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation to construct sewer system.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of six thousand dollars to be used for the construction of a sewer system at the California Polytechnic School. All bills for materials, or in payment, in whole or in part, of any contract, shall be audited by the board of trustees of said school and approved by the state board of examiners before being paid.

SEC. 2. The controller is hereby authorized to draw warrants from time to time in favor of said board of trustees upon its requisition for the same, and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1909.

CHAPTER 516.

An act making an appropriation for the construction and equipment of poultry houses at the California Polytechnic School.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation to construct poultry houses.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of twenty-five hundred (\$2,500) dollars for the construction and equipment of poultry houses at the California Polytechnic School. All bills for materials, or in payment, in whole or in part, of any contract, shall be audited by the board of trustees of said school and approved by the state board of examiners before being paid.

SEC. 2. The controller is hereby authorized to draw warrants from time to time in favor of said board of trustees upon its requisition for the same, and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1909.

CHAPTER 517.

An act making an appropriation for the purchase and installation of a refrigerating plant and other creamery equipment for the California Polytechnic School.

[Approved April 12, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of four thousand (\$4,000) dollars for the purchase and installation of a refrigerating plant and other creamery equipment for the California Polytechnic School. All bills for materials, or in payment, in whole or in part, of any contract, shall be audited by the board of trustees of said school and approved by the state board of examiners before being paid.

Appropriation for creamery equipment.

SEC. 2. The controller is hereby authorized to draw warrants from time to time in favor of said board of trustees upon its requisition for the same, and the treasurer is hereby directed to pay the same.

CHAPTER 518.

An act making an appropriation for repairing and furnishing the dormitory buildings at the California Polytechnic School.

[Approved April 12, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of twenty-five hundred (\$2,500) dollars to be used for the repairing and furnishing the dormitory buildings at the California Polytechnic School. All bills for materials, or in payment, in whole or in part, of any contract, shall be audited by the board of trustees of said school and approved by the state board of examiners before being paid.

Appropriation to repair dormitory buildings.

SEC. 2. The controller is hereby authorized to draw warrants from time to time in favor of said board of trustees upon its requisition for the same, and the treasurer is hereby directed to pay the same.

CHAPTER 519.

An act appropriating money to be expended by and under the direction of the department of engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin and Feather rivers, and other river channels of the state, and improving the navigability of such streams.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation to improve channels of certain rivers.

SECTION 1. The sum of one hundred and fifty thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to be paid to the department of engineering, to be expended for rectifying and improving the channels of the Sacramento, San Joaquin and Feather rivers, and such other river channels of the state as the department of engineering may determine, and to improve the navigability of said streams; *provided, however*, that before any expenditure shall be made or contracts awarded by said board, the work to be done shall be approved by the proper officers of the government of the United States having charge of river work in California.

Approval of contracts.

Audit of bills.

SEC. 2. All expenditures hereunder for labor, materials, machinery, or in payment, in whole or in part, of any contract shall, before being paid, be audited by the state board of examiners as provided by law.

When funds available.

SEC. 3. Of the sum of money herein appropriated one half thereof shall become available on the 1st day of July, 1909, and the other half thereof on the first day of July, 1910.

SEC. 4. This act shall take effect immediately from and after its passage.

CHAPTER 520.

An act making an appropriation for the expenses of the national guard in case of insurrection, invasion, tumult, riot, or imminent danger thereof.

[Approved April 12, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation for expense of national guard in case of emergency.

SECTION 1. The sum of one hundred thousand dollars (\$100,000.00) is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended by the adjutant general upon the order and under the direction

of the governor, to meet the expenses of the national guard in case of insurrection, invasion, tumult, riot, or imminent danger thereof. When in the opinion of the governor an emergency arises which demands or necessitates the immediate use of money for the purposes herein provided, the controller must draw his warrant, in the name and upon the order of the governor in such sum as the governor may demand, against said appropriation, and the state treasurer must pay the same. In cases where emergency money is so drawn by the governor, the demands for the same shall not need the audit of the board of examiners, but vouchers covering the amount so drawn must be subsequently filed with the controller, showing the manner and purposes of the expenditure of such amount.

SEC. 2. This act shall take effect immediately.

CHAPTER 521.

An act authorizing and empowering the directors of the State Agricultural Society to hold state industrial and agricultural fairs at the city of Oakland, county of Alameda, State of California, and making an appropriation therefor.

[Approved April 12, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The directors of the State Agricultural Society are hereby authorized and empowered to hold a state industrial and agricultural fair at the city of Oakland, county of Alameda, State of California, at such time or times as they may appoint. State fair at Oakland.

SEC. 2. For the purpose of carrying out the provisions of this act, the sum of ten thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, and the state controller is hereby directed to draw his warrants from time to time, up to the full amount of the appropriation, and the state treasurer is hereby directed to pay the same. Appropriation.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 522.

An act appropriating money for the purchase of a site and right of way, the building of a reservoir and pipe-line for a clear water system for the Preston School of Industry.

[Approved April 12, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation for water system.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of six thousand dollars, to be used by the trustees of the Preston School of Industry for the purchase of a site and right of way, and the building of a reservoir and pipe-line for a clear water system for said school.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of said board of trustees of the Preston School of Industry for the amount of money appropriated by section one of this act, and the state treasurer is hereby directed to pay the same out of said appropriation.

Plans to be approved by trustees.

SEC. 3. All plans, descriptions, bills of material, specifications and estimates requisite, necessary, proper or convenient for any of the purposes aforesaid, shall receive the sanction of a majority of the board of trustees of the Preston School of Industry, who shall cause an entry to be made in their minutes that such plans, descriptions, bills of material, specifications and estimates have been approved. And it shall not be necessary to obtain the approval or sanction of any other board, officer or person, and this act shall be exempt from the provisions of any other act or acts requiring the sanction or approval of any other person, officer or board not herein specially mentioned, and the directions herein shall be exempt from the provision of an act entitled "An act to regulate contracts on behalf of the state, in relation to erections and buildings," approved March 23d, 1876. All bills for improvements, repairs and constructions shall first be audited by the board of trustees of the Preston School of Industry and be approved by the state board of examiners before being paid.

Audit of bills.

SEC. 4. This act shall take effect July 1st, 1909.

CHAPTER 523.

An act to appropriate the sum of twenty thousand dollars for the general improvement of Lake Tahoe wagon road, and for constructing, erecting and operating a sprinkling plant and appurtenances thereon.

[Approved April 12, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twenty thousand dollars for the general improvement for Lake Tahoe wagon road, and erecting and operating a sprinkling plant and appurtenances thereon. Appropriation to improve Lake Tahoe wagon road.

SEC. 2. The department of engineering shall have full control of erecting and operating said sprinkling plant and improvements, and shall determine upon what section of the Lake Tahoe wagon road said money shall be expended. Control.

SEC. 3. The money appropriated under the provisions of this act is hereby made available as follows: The sum of five thousand dollars is made available on and after April first, nineteen hundred and nine; five thousand dollars is hereby made available on and after July first, nineteen hundred and nine; five thousand dollars is hereby made available on and after April first, nineteen hundred and ten; and the sum of five thousand dollars is hereby made available on and after July first, nineteen hundred and ten. The state controller is hereby instructed and directed to draw his warrants at such times and in such amounts as the department of engineering may present claims for; said warrants shall be drawn in favor of the said department of engineering and the state treasurer is hereby directed and instructed to pay said warrants and the department of engineering shall distribute the same. When funds available.

SEC. 4. This act shall take effect and be in force from and after its passage and approval.

CHAPTER 524.

An act to amend an act entitled "An act to establish a Civil Code," approved March 21, 1872, by adding thereto title XXII of part IV of division first of said act relating to and providing for the incorporation, organization, management, and coöperation of non-profit coöperative corporations.

[Approved April 13, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new title to be known as title XXII of part IV of division first is hereby added to an act entitled "An act to establish a Civil Code," to read as follows:

TITLE XXII.

NON-PROFIT COÖPERATIVE CORPORATIONS.

Non-profit
coöpera-
tive cor-
porations.

- Section 653f. Formation and purposes of.
- Section 653g. Membership.
- Section 653h. Articles of incorporation.
- Section 653i. By-laws.
- Section 653j. Powers of corporation.
- Section 653k. Amendment of articles of incorporation.
- Section 653l. Quo warranta.
- Section 653m. Particular corporations.
- Section 653n. Voting.

How
formed.

653f. Non-profit coöperative corporations may be formed by the voluntary association of any three or more persons in the manner prescribed in this title. A majority of such persons must be residents of this state, and such corporation shall have and may exercise the powers authorized by this title, and the powers necessarily incident thereto, and also all other powers granted to private corporations by the laws of this state, excepting such powers as are inconsistent with those granted by this title.

Member-
ship.

653g. Such corporation shall not have a capital stock, and its business shall not be carried on for profit. Any person or any number of persons including and in addition to the original incorporators, may become members of such corporation upon such terms and conditions as to membership, and subject to such rules and regulations as to their, and each of their, contract and other rights and liabilities between it and the member, as the said corporation shall prescribe in its by-laws. The corporation shall issue a certificate of membership to each member, but the said membership, or the said certificate thereof, shall not, except as herein provided, be assigned by a member to any other person, nor shall the assigns thereof be entitled to membership in the corporation, or to any property rights or interest therein, nor shall a purchaser at execution sale, or any other person who may succeed, by operation of law or otherwise, to the property interests of a

member, be entitled to membership, or become a member of the corporation by virtue of such transfer. The board of directors may, however, by motion duly adopted by it, consent to such assignment or transfer, and to the acceptance of the assignee or transferee as a member of the corporation. The corporation shall also have the right, by its by-laws, to provide for or against the transfer of membership and for or against the assignment of membership certificates, and also the terms and conditions upon which any such transfer or assignment shall be allowed.

653v. Each corporation formed under this title must prepare and file articles of incorporation in writing setting forth:

Articles of incorporation to contain, what.

1. The name of the corporation.
2. The purpose for which it is formed.
3. The place where its principal business will be transacted.
4. The term for which it is to exist, not exceeding fifty years.

5. The number of directors thereof, which must not be less than three and which may be any number in excess thereof, and the names and residences of those selected for the first year and until their successors shall have been elected, and shall have accepted office.

6. Whether the voting power and the property rights and interest of each member shall be equal or unequal, and if unequal the articles shall set forth a general rule or rules applicable to all members by which the voting power and the property rights and interests, respectively, of each member may and shall be determined and fixed, but the corporation shall have power to admit new members who shall be entitled to vote and to share in the property of the corporation with the old members, in accordance with such general rule.

7. Said articles of incorporation shall be subscribed by three or more of the original members, a majority of whom must be residents of this state, and acknowledged by each before some officer authorized to take and certify acknowledgments of conveyances of real property, and shall be filed in all respects in accordance with the provisions of section 296 of this code, and thereupon the secretary of state shall issue to the corporation, over the great seal of the state, a certificate that a copy of the articles containing the required statement of facts has been filed in the office, and thereupon the persons signing the articles and their associates and successors shall be a body politic and corporate by the name stated in the certificate. When so filed, the said articles of incorporation or certified copies thereof shall be received in all the courts of this state, and other places, as prima facie evidence of the facts contained therein.

653w. Each corporation incorporated under this title must, within one month after filing articles of incorporation, adopt a code of by-laws for its government and management not inconsistent with the provisions of this title. A majority vote of the members or the written assent of members repre-

By-laws.

By-laws.

senting a majority of the votes is necessary to adopt such by-laws. The provisions of sections 303 and 304 of this code, which are not inconsistent with the provisions of this title, shall apply to the by-laws of the corporation provided for in this title. Each corporation organized hereunder may also, by its by-laws adopted as aforesaid, provide for the following matters:

1. The manner of removal of any one or more of its directors and of filling any and all vacancies in the board of directors.

2. The conditions upon which and the time when membership of any member in the corporation shall cease; the mode, manner and effect of expulsion of a member, subject to the right of the expelled member to have the board of directors equitably appraise his property interests in the corporation and to fix the amount thereof in money, and to have the money paid to him within sixty days after such expulsion.

3. The amount of membership fee, if any, and the amount which each member shall be required to pay annually, or from time to time, if at all, to carry on the business of the corporation, and also the compensation, if any, to be paid by each member for any services rendered by the corporation to him, and the time of payment and the manner of collecting the same, and may provide for forfeiture of the interest of the member in the corporation for non-payment of the same.

4. The number and qualifications of members of the corporation and the conditions precedent to membership and the method, time and manner of permitting members to withdraw, and providing for the assignment and transfer of the interest of members, and the manner of determining the value of such interest and providing for the purchase of such interest by the corporation upon the death, withdrawal or expulsion of a member or upon the forfeiture of his membership, at the option of the corporation.

Powers of corporation.

653x. Each corporation incorporated under this title shall have the powers granted by the provisions of this code and other laws of California, relating to private corporations, which are not inconsistent with those granted by this title, and shall also have the following powers:

To appoint agents.

1. To appoint such agents and officers as its business may require, and such appointed agents may be either persons or corporations; to admit persons and corporations to membership in the corporation, and to expel any member pursuant to the provisions of its by-laws; to forfeit the membership of any member for violation of any agreement between him and the corporation or for his violation of its by-laws.

To hold property.

2. To purchase, lease or otherwise acquire, hold, own and enjoy, to sell, lease, mortgage and otherwise encumber and dispose of any and all and every kind or kinds of real and personal property, also to carry on any and all operations necessary or convenient in connection with the transaction of any of its business.

To consolidate with other corporations.

3. Upon the written assent of two thirds of all the members or by a vote of members representing two thirds of the total

votes of all members of each of two or more such non-profit cooperative corporations to cooperate with each other for the more economical carrying on of their respective businesses by consolidation as provided in section 653i of this code, such consolidation shall be effected, and thereupon the effect of such consolidation shall be the same as declared in said section. Any such corporation upon resolution, adopted by its board of directors, shall have the power to enter into contracts and agreements, and to make stipulations and arrangements with any other corporation or corporations for the cooperative and more economical carrying on of its business, or any part or parts thereof; or any two or more cooperative corporations organized under this title, upon resolutions adopted by their respective boards of directors, may, for the purpose of more economically carrying on their respective businesses, by agreement, unite in adopting, employing and using, or several such corporations may separately adopt, employ and use the same methods, policy, means, agents, agencies and terms of marketing for carrying on and conducting their respective businesses.

To consolidate with other corporations.

4. Any corporation formed or consolidated under this title may be dissolved, and its affairs wound up voluntarily by the written consent of members representing two thirds of the total votes, in the manner and with the effect provided in section 653j of this code, except that any property remaining after liquidation shall be divided among the members in proportion to their respective property interests therein.

Dissolution.

653y. Any such corporation may amend its articles of incorporation in any manner not inconsistent with the provisions of this title, in the manner provided for by section 362 of the Civil Code of this state.

Amendment of articles.

653z. The right of a corporation claiming to be organized and incorporated and carrying on its business under this title, to do and to continue its business, may be inquired into by quo warranto proceeding at the suit of the attorney general, but not otherwise.

Quo warranto.

653za. This title is not applicable to railroads, telegraph, telephone, banking, insurance, building and loan, or any other corporation, unless the special provisions of this code applicable thereto are complied with.

Particular corporations.

653zb. In the event the by-laws shall provide for unequal voting power, or unequal property rights of the several members, or both, the provisions of this title with reference to a majority, a two-thirds, or other vote of the members, shall not apply, and in lieu thereof, there shall be substituted a majority, or a two-thirds of the votes of the interests represented by the several members, or otherwise as the case may be.

Voting.

CHAPTER 525.

An act to amend section 4265 of the Political Code of the State of California, relating to the compensation of officers of counties of the thirty-sixth class and their deputies and assistants, and fixing the compensation of grand and trial jurors therein.

[Approved April 13, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Salaries in
counties of
thirty-
sixth class
(Tehama).

SECTION 1. Section 4265 of the Political Code of the State of California is hereby amended to read as follows:

4265. In counties of the thirty-sixth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, twenty-two hundred dollars per annum.
2. The sheriff, forty-eight hundred dollars per annum and all mileage now allowed by law.

3. The recorder, three thousand dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, twenty-five hundred dollars per annum.

6. The tax collector, eleven hundred dollars per annum, and ten per cent on all licenses collected by him as license collector, and such other fees as are now or may hereafter be allowed by law.

7. The assessor, three thousand dollars per annum; and there is hereby allowed to the assessor two deputies who shall be employed not to exceed four months in each year, and shall receive a salary of one hundred dollars per month each during the time so employed.

8. The district attorney, twenty-four hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand five hundred dollars per annum, and actual traveling expenses, when visiting the schools of his county. The superintendent shall be allowed one deputy for a period not exceeding five months in any one year, which said deputy shall be allowed a salary of seventy-five dollars per month, to be paid at the same time and in the same manner as other county officers.

12. The surveyor, one thousand five hundred dollars per annum, which shall be in full for all services required of him by the superior court or the board of supervisors: *provided*, that he shall be entitled to receive from the county his actual expenses incurred in the performance of any order of the court or the board of supervisors: *provided further*, that

whenever the surveyor is directed by the board of supervisors to plat, trace or otherwise prepare maps, plats or block books for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.

13. Justices of the peace shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than four thousand, fifty dollars per month; in townships having a population of less than four thousand and more than twenty-five hundred, thirty dollars per month; in townships having a population of less than twenty-five hundred and more than six hundred, twenty dollars per month; and in all civil cases such fees as are now or may hereafter be allowed by law.

Justices of the peace.

14. Constables shall receive the following monthly salaries to be paid each month and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than four thousand, fifty dollars per month; in townships having a population of less than four thousand and more than twenty-five hundred, thirty dollars per month; in townships having a population of less than twenty-five hundred and more than six hundred, twenty dollars per month; and in all civil cases such fees as are now or may hereafter be allowed by law.

Constables.

Constables shall also be allowed by the board of supervisors, in criminal cases only, necessary traveling expenses, and necessary expenses of conveying criminals and persons charged with crime.

15. Each supervisor, twelve hundred dollars per annum, which shall be in full for all services as supervisor and road commissioner for each year. Said salary of twelve hundred dollars shall be payable monthly.

Supervisors.

16. For the purpose of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors by multiplying by five the vote cast for governor on the sixth day of November, 1906, in each township.

Ascertainment of population.

17. The fees of grand jurors and trial jurors in the superior court of said counties of the thirty-sixth class, in criminal cases only, shall be three dollars per day for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor on the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay such warrants.

Jurors.

18. All salaries provided for in this article shall be paid out of the treasury of the county in monthly installments.

Monthly payments.

CHAPTER 526.

An act to amend section 3458 of the Political Code of the State of California relating to reclamation districts.

[Approved April 13, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Reclama-
tion
districts:
transfer
of
to other
counties.

SECTION 1. Section 3458 of the Political Code of the State of California is hereby amended to read as follows:

3458. If a district is situated partly in different counties the charge must be paid into the treasury of the county in which the particular tract may be situated; *and provided also*, that as to any reclamation district now or hereafter formed where such district shall be, by any act heretofore or hereafter passed, changing county boundaries transferred wholly from one county to another, the board of supervisors of the county to which such district is transferred, shall, from and after such transfer, have and exercise all of the jurisdiction, power and authority over such district theretofore exercised by the board of supervisors of the county wherein such district was originally formed; and the board of supervisors of the county to which such district is transferred and all of the officers of such county and the officers of such district shall thereafter exercise and perform all of the acts required by law to be performed in connection with such district with the same authority and with the same force and effect as though such district had been originally formed and organized within such county. And when such transfer of such district from one county to another is made, as aforesaid, the auditor and treasurer of such county shall be and they hereby are authorized and directed to draw their warrant upon the treasurer of such county within which such district was previously situated for all of the funds of such reclamation district in the treasury of such county, and the treasurer of such county shall pay such warrant and said funds shall be so transferred from the county in which said district was previously situated, into the treasury of the county to which said district is transferred; and from and after the date of such transfer of such district to such other county all taxes thereafter collected shall be collected and paid into the treasury of such county to which such district is transferred. And with respect to districts transferred in whole or in part from one county to another by change of county boundaries, the taxes shall thereafter be collected and paid in the same manner and by the same officers as though said district had been originally organized either wholly in the county to which it is transferred or partially in the county where it was organized and partially in the county to which it is transferred. And when by any change of county

boundaries now existing or hereafter made by the legislature of this state, any such district is transferred in part to another county than the one within which it was organized, then as to such part of such district so transferred to such other county, the same power and authority with respect thereto shall exist and the same proceedings shall be had and taken as though such district had in the first instance been organized partially in the county in which it was organized and partially in the county to which it is in part transferred, and the same proceedings shall be had and taken in the conduct and management of said district and in the levy and collection of taxes and in all other ways with respect to its conduct and management as though it had been originally organized in the county where it was organized and partially in the county to which it is by such change of county boundaries transferred; and all proceedings, petitions or orders which should have been recorded in such county to which such district is in whole or in part transferred shall be copied and certified by the officer having custody thereof, transferred to and recorded in the county to which such district is transferred in whole or in part.

Change of
county
bound-
aries.

CHAPTER 527.

An act declaring February 12th, the birthday of Abraham Lincoln, a legal holiday and providing for a half-day session in the public schools on such holiday, and for certain exercises in the public schools.

[Approved April 13, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. February 12th, the birthday of Abraham Lincoln, is hereby declared a legal holiday, *provided, however, that all the public schools throughout the state shall hold sessions in the forenoon of that day in order to allow the customary exercises in memory of Lincoln; and provided further, that when February 12th falls on Sunday, then Monday following shall be a legal holiday and shall be so observed; and provided still further, that when February 12th falls on Saturday such exercises in the public schools shall take place on the Friday afternoon preceding.*

Lincoln
day.

CHAPTER 528.

An act to appropriate the sum of one hundred and one thousand three hundred and fourteen dollars (\$101,314.00) for the use and benefit of the University of California, and specifying the duties of the controller and treasurer of state in relation thereto.

[Approved April 14, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation to restore income of state university.

SECTION 1. The sum of one hundred and one thousand three hundred and fourteen dollars (\$101,314.00) is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to replace and restore income of the University of California lost through disaster and fire,—one fourth of said sum, viz: twenty-five thousand three hundred and twenty-eight and 50-100 dollars (\$25,328.50) to be payable immediately upon the passage of this act; one half of said sum, viz: fifty thousand six hundred and fifty-seven dollars (\$50,657.00) to be payable on the first day of July, A. D. 1909, and the remaining one fourth of said sum, viz: twenty-five thousand three hundred and twenty-eight and 50-100 dollars (\$25,328.50), to be payable on the first day of January, A. D. 1910.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrants for the same, payable to the order of the treasurer of the University of California, and the treasurer of state is hereby directed to pay such warrants.

Exemption.

SEC. 3. This act is hereby exempted from the provisions of section 672 of the Political Code.

SEC. 4. This act shall take effect and be in force immediately upon its passage.

CHAPTER 529.

An act to provide for the expenses of operating and conducting the university farm and school of agriculture thereon to June 30, 1909, and appropriating money therefor.

[Approved April 14, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation for conduct of university farm.

SECTION 1. The sum of seven thousand dollars is hereby appropriated to be paid to the regents of the University of California, and to be used by them in paying the operating expenses of, and in providing for operating and conducting the

university farm and agricultural school thereon to and until June 30th, 1909.

SEC. 2. The controller is hereby directed to draw his warrant or warrants in favor of the said regents and the treasurer is directed to pay the same.

CHAPTER 530.

An act to provide for the purchase of live stock for and for the use of the university farm and agricultural school at Davis, and appropriating money therefor.

[Approved April 14, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of twelve thousand dollars is hereby appropriated, to be paid to the regents of the University of California, and to be used by them in and for the purchase of live stock: horses, cattle, sheep, hogs and poultry, for use at, on and upon the university farm and agricultural school at Davis.

Appropriation to purchase live stock for university farm.

SEC. 2. The controller is hereby directed to draw his warrant or warrants in favor of the said regents, and the treasurer is directed to pay the same.

CHAPTER 531.

An act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the university farm at Davis, and appropriating money therefor.

[Approved April 14, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of twenty-five thousand dollars, is hereby appropriated, to be paid to the regents of the University of California and to be used for the purchase of equipment, apparatus, furnishings and supplies for buildings, class rooms and laboratories on or to be erected or constructed upon the university farm at Davis.

Appropriation to equip university farm buildings.

SEC. 2. The controller is hereby directed to draw his warrant or warrants in favor of the said regents, and the treasurer is directed to pay the same.

CHAPTER 532.

An act to provide for the extension of the light, heating, power, water and sewer systems at the university farm and agricultural school at Davis, and appropriating money therefor.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation for sewer, etc. university farm.

SECTION 1. The sum of five thousand dollars is hereby appropriated, to be paid to the regents of the University of California and to be used by them in erecting, constructing and paying for an extension of the light, heating, power, water and sewer system of and at the university farm and agricultural school at Davis.

SEC. 2. The controller is hereby directed to draw his warrant or warrants in favor of the said regents, and the treasurer is directed to pay the same.

CHAPTER 533.

An act to provide for the purchase of farm machinery, tools, wagons and harness for the university farm and agricultural school at Davis, and appropriating money therefor.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation to purchase tools, etc., university farm.

SECTION 1. The sum of three thousand dollars is hereby appropriated, to be paid to the regents of the University of California and to be used by them in and for the purchase of farm machinery, tools, implements, wagons and harness for and to be used at and on the university farm and agricultural school at Davis.

SEC. 2. The controller is hereby directed to draw his warrant or warrants in favor of the said regents, and the treasurer is directed to pay the same.

CHAPTER 534.

An act to provide for the construction of buildings and structures and repairs to the same on the university farm at Davis, and appropriating money therefor.

[Approved April 14, 1909.]

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of eighty-five thousand dollars is hereby appropriated to be paid to or upon the order of the regents of the University of California and to be used by them to construct or repair or to pay for the construction or repair of buildings and structures on the university farm at Davis. Appropriation to construct buildings, university farm.

SEC. 2. The controller is hereby directed to draw his warrant or warrants in favor of the said regents, and the treasurer is directed to pay the same.

CHAPTER 535.

An act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial county, and providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The regents of the University of California are hereby directed to cause to be prosecuted, through the Southern California Pathological Laboratory and branch agricultural experiment station, investigations on the conditions and problems attending the culture of crops in the region known as the Imperial county and similar adjacent sections. Investigation of agricultural problems.

SEC. 2. Such investigations shall be particularly directed toward the solution of various difficulties and problems affecting the growing of crops, which have arisen in said region on account of the unique natural conditions obtaining in that portion of the state. Particular inquiry.

SEC. 3. The regents of the University of California are hereby authorized to establish at some suitable point in Imperial county a branch agricultural experiment station for the purpose of carrying on the work herein provided for; Experiment station.

provided the necessary land therefor is obtained without cost to the state.

Appropriation.

SEC. 4. The sum of six thousand dollars (\$6,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended by the regents of the University of California in carrying out the purposes of this act, and the state controller is hereby authorized and directed to draw his warrant for the same payable to the regents of the University of California, and the treasurer of the state is hereby directed to pay such warrant.

CHAPTER 536.

An act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor and prescribing the duties of the controller and treasurer in relation thereto.

[Approved April 14, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Research work in viticulture.

SECTION 1. The regents of the University of California are hereby directed to cause to be prosecuted with all possible diligence, in connection with and in addition to the work heretofore carried on by the agricultural experiment station, experiment and research work in viticulture, including both cultural and industrial processes. They are directed to ascertain the adaptations of the various kinds of vines to the several climatic soil and conditions of the state, with the special reference to stocks resistant to the phylloxera and to further their utility as grafting stocks for wine, raisin and table grapes. They are directed to ascertain the best methods of grafting and propagating said stocks and vines, together with the most important methods of vinification and of the preparation, manufacture and application of yeasts in vinification and distillation. They are further directed to report upon the handling, packing and transportation of table grapes, the preparation and curing of raisins, the utilization of the by-products of the vineyard and winery, the study and treatment of vine diseases, and all matters appertaining to the viticultural industry pertinent to the successful conduct of the business that may be of general public interest, use and profit.

Publication of result.

They are further directed to publish the result of said experiments and investigations in form of bulletins from time to time, as may seem advisable, and not less than two bulletins showing the progress and result of the work shall be issued in any fiscal year.

The director of the agricultural experiment station shall obtain and establish such assistants, equipment, materials, appliances, apparatus and other incidentals as may be necessary to the successful prosecution of the work, within the appropriation specified.

SEC. 2. There is hereby appropriated for the use of said experiment station, for the purpose set forth in this act for the sixty-first and sixty-second fiscal years, the sum of fifteen thousand dollars (\$15,000), and the said appropriation shall thereafter be carried in the general appropriation bill for each succeeding biennial period, and the state controller is hereby authorized and directed to draw his warrant for the same, and the treasurer of the state is hereby directed to pay such warrant. Appropriation.

SEC. 3. All money appropriated under this act shall be paid to the regents of the University of California, and expended under the direction of the director of the agricultural experiment station of said university for the specific purpose herein named. To whom paid.

CHAPTER 537.

An act to provide equipment for the state pathological laboratory at Whittier, and making an appropriation therefor.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of fifteen hundred dollars (\$1,500) is hereby appropriated for the purchase of scientific apparatus and equipment for the state pathological laboratory at Whittier. Appropriation to purchase scientific apparatus.

SEC. 2. All money appropriated under this act shall be paid to the regents of the University of California and expended by them for the purposes herein named.

The state controller is hereby authorized and directed to draw his warrant for the same payable to the regents of the University of California, out of funds of the State of California not otherwise appropriated, and the treasurer of the state is hereby directed to pay such warrant.

CHAPTER 538.

An act authorizing the regents of the University of California to hold farmers' institutes, and making an appropriation therefor.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.

Farmers' institutes.

SECTION 1. The board of regents of the University of California is hereby authorized to hold institutes for the instruction of citizens of this state in the various branches of agriculture. Such institutes shall be held at such times and at such places in this state as said board may direct. The said board shall make such rules and regulations as it may deem proper for organizing and conducting such institutes, and may employ an agent or agents to perform such work in connection therewith as they deem best. The course of instruction at such institutes shall be so arranged as to present to those in attendance the results of the most recent investigations in theoretical and practical agriculture.

Appropriation.

SEC. 2. The sum of twenty thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the use of the regents of the University of California as herein provided, and for the purposes of this act, during the two fiscal years following the passage of this act. Ten thousand dollars shall be paid on the first day of July, nineteen hundred and nine, and ten thousand dollars on the first day of July, nineteen hundred and ten.

SEC. 3. The controller shall draw his warrants for said sums in favor of the treasurer of said board of regents, and the state treasurer shall pay the same.

SEC. 4. This act shall take effect immediately.

CHAPTER 539.

An act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino forest reserve, and to make an appropriation therefor.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation to protect timber.

SECTION 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, which money shall be used and expended for the purpose of cutting fire lanes and fire trails to protect the timber now

standing, or that may be planted upon the south slope of the San Bernardino mountains, in the State of California.

SEC. 2. The department of engineering is hereby empowered to enter into a contract or contracts with the forest service of the United States government for the purpose of cutting fire lanes and fire trails for the protection of the forest and brush specified in section one of this act; *provided however*, that these expenditures for such purpose shall not be in excess of the amount or amounts to be expended by the forestry department of the federal government in collaboration with the specific work named above; *and provided further*, that in case that the forestry department of the federal government above mentioned does not contribute the fund for said coöperation, that the state department of engineering shall not have power to enter into such contract or contracts with the said department for the expenditure of the said money.

Contracts
for cutting
fire lanes.

SEC. 3. This act shall take effect and be in force on and after the first day of July, nineteen hundred and nine.

CHAPTER 540.

An act making an appropriation to pay the claim of Lauretta Campbell against the State of California.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of three hundred eighty-two and 20-100 (\$382.20) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Lauretta Campbell against the State of California, and the state controller is hereby directed to draw his warrant in favor of Lauretta Campbell for the said sum of three hundred eighty-two and 20-100 (\$382.20) dollars, and the state treasurer is hereby directed to pay the same.

Appropriation.

Claim of
Lauretta
Campbell.

SEC. 2. This act shall take effect immediately.

CHAPTER 541.

An act to appropriate the sum of sixty and 61-100 dollars to pay the claim of the Security Mutual Life Insurance Company against the State of California.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.
Claim of Security Mutual Life Insurance Co.

SECTION 1. The sum of sixty and 51-100 dollars is hereby appropriated out of the moneys in the state treasury not otherwise appropriated, to pay the claim of the Security Mutual Life Insurance Company against the State of California.

SEC. 2. The controller of state is hereby directed to draw his warrant in the favor of the Security Mutual Life Insurance Company for the sum of sixty and 51-100 dollars, and the state treasurer is hereby directed to pay the same, and this appropriation and this warrant are hereby exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This act shall take effect immediately.

CHAPTER 542.

An act to appropriate the sum of eleven and thirty one-hundredths dollars to pay the claim of the Life Association of America against the State of California.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.
Claim of Life Association of America.

SECTION 1. The sum of eleven and thirty one-hundredths dollars is hereby appropriated out of any of the moneys in the state treasury not otherwise appropriated, to pay the claim of the Life Association of America against the State of California.

SEC. 2. The controller of state is hereby directed to draw his warrant in the favor of the Life Association of America for the sum of eleven and thirty one-hundredths dollars, and the state treasurer is hereby directed to pay the same, and this appropriation and this warrant are hereby exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This act shall take effect immediately.

CHAPTER 543.

An act to appropriate the sum of nine hundred and three and seventy-two one-hundredths dollars to pay the claim of the Massachusetts Mutual Life Insurance Company, of Springfield, against the State of California.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of nine hundred three and seventy-two one-hundredths dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the claim of the Massachusetts Mutual Life Insurance Company, of Springfield, against the State of California. Appropriation.
Claim of Massachusetts Life Insurance Company.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the Massachusetts Mutual Life Insurance Company, of Springfield, for the sum of nine hundred three and seventy-two one-hundredths dollars, and the state treasurer is hereby directed to pay the same, and this appropriation and this warrant are hereby exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This act shall take effect immediately.

CHAPTER 544.

An act to appropriate the sum of three hundred forty-nine and 60-100 dollars to pay the claim of Minnesota Mutual Life Insurance Company against the State of California.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of three hundred forty-nine and 60-100 dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the claim of the Minnesota Mutual Life Insurance Company against the State of California. Appropriation.
Claim of Minnesota Life Insurance Company.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the Minnesota Mutual Life Insurance Company for the sum of three hundred forty-nine and 60-100 dollars, and the state treasurer is hereby directed to pay the same, and this appropriation and this warrant are hereby exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This act shall take effect immediately.

CHAPTER 545.

An act to appropriate the sum of three thousand four hundred sixty-two and eleven one-hundredths dollars to pay the claim of the New England Mutual Life Insurance Company against the State of California.

[Approved April 14, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.

Claim of New England Life Insurance Company.

SECTION 1. The sum of three thousand four hundred sixty-two and eleven one-hundredths dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the claim of the New England Mutual Life Insurance Company against the State of California.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the New England Mutual Life Insurance Company for the sum of three thousand four hundred sixty-two and eleven one-hundredths dollars and the state treasurer is hereby directed to pay the same, and this appropriation and this warrant are hereby exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This act shall take effect immediately.

CHAPTER 546.

An act to appropriate the sum of two hundred twenty-two and 85-100 dollars to pay the claim of the Northwestern National Life Insurance Company against the State of California.

[Approved April 14, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.

Claim of Northwestern National Life Insurance Company.

SECTION 1. The sum of two hundred twenty-two and 85-100 dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the claim of the Northwestern National Life Insurance Company against the State of California.

SEC. 2. The controller of state is hereby directed to draw his warrant in the favor of the Northwestern National Life Insurance Company for the sum of two hundred twenty-two and 85-100 dollars, and the state treasurer is hereby directed to pay the same, and this appropriation and this warrant are hereby exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This act shall take effect immediately.

CHAPTER 547.

An act to appropriate the sum of one thousand five hundred thirty-one and ninety-one one-hundredths dollars to pay the claim of the Prudential Insurance Company of America against the State of California.

[Approved April 14, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of one thousand five hundred thirty-one and ninety-one one-hundredths dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the claim of the Prudential Insurance Company of America against the State of California.

Appropriation.
Claim of Prudential Insurance Company.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the Prudential Insurance Company of America for the sum of one thousand five hundred thirty-one and ninety-one one-hundredths dollars and the state treasurer is hereby directed to pay the same, and this appropriation and this warrant are hereby exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This act shall take effect immediately.

CHAPTER 548.

An act appropriating the sum of three thousand dollars (\$3,000.00), for the purpose of repairing the greenhouse, walks and grounds of the state capitol at Sacramento.

[Approved April 14, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of three thousand dollars (\$3,000.00) for the purpose, and to be used for, the repair of the greenhouse, situated in the state capitol grounds at Sacramento, and for the purpose, and to be used for, the repair of the walks, lawns and gardens of said grounds.

Appropriation.
Repair of capitol grounds.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 549.

An act to appropriate the sum of eight hundred eighty-nine and 95-100 dollars to pay the claim of the Bankers' Life Association of Des Moines, Iowa, against the State of California.

[Approved April 14, 1909.]

The people of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation.

Claim of Bankers' Life Association.

SECTION 1. The sum of eight hundred eighty-nine and 95-100 dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the claim of the Bankers' Life Association of Des Moines, Iowa, against the State of California.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the Bankers' Life Association of Des Moines, Iowa, for the sum of eight hundred eighty-nine and 95-100 dollars, and the state treasurer is hereby directed to pay the same, and this appropriation and this warrant are hereby exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This act shall take effect immediately.

CHAPTER 550.

An act appropriating money to pay the claim of the United States Fidelity and Guaranty Company against the State of California.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.

Claim of United States Fidelity and Guaranty Company.

SECTION 1. The sum of one thousand three hundred and twenty-eight dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of the United States Fidelity and Guaranty Company against the State of California, and the state controller is hereby directed to draw his warrant in favor of the United States Fidelity and Guaranty Company for said sum of one thousand three hundred and twenty-eight dollars, and the state treasurer is hereby directed to pay the same.

SEC. 2. This act shall take effect immediately.

CHAPTER 551.

An act to appropriate the sum of one thousand seven hundred sixty-two and seventy-nine one-hundredths dollars to pay the claim of the Germania Life Insurance Company of New York against the State of California.

[Approved April 14, 1909.]

The people of the State of California, represented in Senate and assembly, do enact as follows:

SECTION 1. The sum of one thousand seven hundred sixty-two and seventy-nine one-hundredths dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the claim of the Germania Life Insurance Company of New York, against the State of California.

Appropriation.

Claim of Germania Life Insurance Company.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the Germania Life Insurance Company of New York for the sum of one thousand seven hundred sixty-two and seventy-nine one-hundredths dollars and the state treasurer is hereby directed to pay the same, and this appropriation and this warrant are hereby exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This act shall take effect immediately.

CHAPTER 552.

An act to appropriate the sum of two thousand five hundred thirty-six and seventy-six one-hundredths dollars to pay the claim of the Aetna Life Insurance Company, of Hartford, Connecticut, against the State of California.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of two thousand five hundred thirty-six and seventy-six one-hundredths dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the claim of the Aetna Life Insurance Company, of Hartford, Connecticut, against the State of California.

Appropriation.

Claim of Aetna Life Insurance Company.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the Aetna Life Insurance Company, of Hartford, Connecticut, for the sum of two thousand five hundred thirty-six and seventy-six one-hundredths dollars and

the state treasurer is hereby directed to pay the same, and this appropriation and this warrant are hereby exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This act shall take effect immediately.

CHAPTER 553.

An act authorizing and directing the state board of prison directors to make an investigation and report to the governor of and relating to the cost, management and government of a reformatory institution in this state, and making an appropriation therefor.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Reformatory institution for prisoners.

SECTION 1. As soon as possible after the passage of this act the state board of prison directors shall gather all necessary data to enable said board to make a full and comprehensive report to the governor of this state, of and concerning a reformatory institution for prisoners, as recommended by the said state board of prison directors in their biennial report to the governor of this state. It shall be the duty of said state board of prison directors to prepare estimates of the cost of suitable grounds therefor and the erection of buildings thereon. They shall report the best method of management thereof as a result of their research and study of other penal institutions and shall draft such laws as shall carry out the purposes of this act and secure the best results in criminal reformation. They shall have authority to incur such necessary expenses not exceeding the amount herein appropriated, to ascertain and determine the facts upon which such report shall be based, and to investigate the methods and management of other similar reformatory institutions.

Appropriation.

SEC. 2. There is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of two thousand five hundred dollars for the purpose of carrying out the provisions of this act. All claims hereunder shall be audited by the state board of examiners and the state treasurer shall pay the same upon controller's warrants drawn therefor.

CHAPTER 554.

An act to provide for the refurnishing of the offices of the board of railroad commissioners of the State of California, and to make appropriation therefor.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any of the moneys in the state treasury not otherwise appropriated, to be paid to the board of railroad commissioners of the State of California, for the purpose of refurnishing the offices of the board of railroad commissioners of the State of California.

Appropriation to refurnish offices.

SEC. 2. The controller of the state is hereby directed to issue his warrants in such amounts and at such times as may be approved by the state board of examiners, payable to the board of railroad commissioners of the State of California, for the purposes herein mentioned, and the treasurer is directed to pay the same.

CHAPTER 555.

An act appropriating forty-four dollars to pay the claim of W. S. Kingsbury.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of forty-four dollars to pay the claim of W. S. Kingsbury against the State of California.

Appropriation. Claim of W. S. Kingsbury.

SEC. 2. The controller is hereby directed to draw his warrant in payment of said claim and the state treasurer is hereby authorized and directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 556.

An act to provide for the purchase of a portrait of former Lieutenant-Governor Alden Anderson by the state board of examiners and to appropriate money therefor.

[Approved April 14, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Portrait of
Lieuten-
ant-
Governor
Alden
Anderson.

SECTION 1. The state board of examiners are hereby authorized to contract with a competent artist for the purchase of a portrait of former Lieutenant-Governor Alden Anderson, the same to be appropriately framed at a price not to exceed five hundred dollars; and upon delivery of such portrait so framed, to the said board of examiners the controller shall draw his warrant as said board of examiners may direct for the amount of the contract price; and the treasurer is hereby directed to pay the same.

Appropriation.

SEC. 2. The sum of five hundred dollars, or so much thereof as may be necessary to pay the controller's warrant drawn under the provisions of section one of this act, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose named in section one of this act.

CHAPTER 557.

An act making an appropriation for furnishing the manor house at the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, California.

[Approved April 14, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation to furnish manor house.

SECTION 1. The sum of twenty-five hundred dollars (\$2500), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of managers of the California Home for the Care and Training of Feeble-Minded Children, for the purpose of furnishing the manor house at the said home.

SEC. 2. The state controller is hereby directed to draw his warrants in favor of the said board of managers at such times and in such amounts as may be approved by the state board of examiners, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1909.

CHAPTER 558.

An act providing for the purchase of a boiler for the kitchen at the state prison at Folsom and making an appropriation therefor.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of \$2500.00 or so much thereof as may be necessary is hereby appropriated out of the moneys of the state treasury not otherwise appropriated to be paid to the state board of prison directors to be expended by them in purchasing a boiler for the kitchen at the state prison at Folsom. Appropriation to purchase boiler for kitchen.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of said board of prison directors for the amount of money appropriated by section one of this act, and the state treasurer is hereby directed to pay the same out of said appropriation.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 559.

An act providing for construction of cottages for the use of guards and employes at the state prison at San Quentin and to make an appropriation therefor.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of twenty thousand dollars (\$20,000.00) or so much thereof as may be necessary is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the state board of prison directors for the construction of cottages for the use of guards and employes at the state prison at San Quentin. Appropriation. Cottages for guards and employes.

SEC. 2. The provisions of an act entitled, "An act to create a state board of charities and corrections, prescribing its duties and powers, and appropriating money therefor," approved March 25, 1903, and all acts amendatory thereto, shall not be applicable to this act.

SEC. 3. The provisions of an act entitled, "An act to regulate contracts on behalf of the state in relation to erections and buildings," approved March 23, 1876, and all acts amendatory thereto, shall not be applicable to this act.

SEC. 4. The state controller is hereby directed to draw his warrant payable to the state board of prison directors in such amounts and at such times as may be approved by the state board of examiners, and the state treasurer is directed to pay the same.

CHAPTER 560.

An act providing for the repairing of the buildings at the state prison at San Quentin and making an appropriation therefor.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.
Repair of buildings.

SECTION 1. The sum of five thousand dollars (\$5,000.00) or so much thereof as may be necessary is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be paid to the state board of prison directors for the repairing of buildings at the state prison at San Quentin.

SEC. 2. The state controller is hereby directed to draw his warrant payable to the state board of prison directors in such amounts and at such times as may be approved by the state board of examiners, and the state treasurer is directed to pay the same.

CHAPTER 561.

An act to appropriate the sum of ten thousand dollars, for the purpose of partly changing the line of road and making permanent culverts on the Sonora and Mono road, a state highway.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation to change and improve Sonora and Mono road.

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, which money shall be used and expended in partly changing the line of the Sonora and Mono road, now a state highway; and constructing and erecting permanent culverts thereon. said money shall be expended under the supervision of the department of engineering, and the accounts of all money expended by virtue of the provisions of this act shall be audited and allowed by the state board of examiners and when so audited the state controller is hereby directed to draw his

warrant on the state treasury therefor, and the state treasurer is hereby directed to pay the same.

SEC. 2. Five thousand dollars of the money appropriated shall be available on and after the passage of this act, and the remaining five thousand dollars of the money hereby appropriated shall be available from and after July first, nineteen hundred and nine. When available.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

CHAPTER 562.

An act providing for the construction and furnishing of a residence at the state prison at Folsom for the warden and making an appropriation therefor.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of twelve thousand dollars (\$12,000.00) or so much thereof as may be necessary is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be paid to the state board of prison directors for the purpose of constructing and furnishing of a residence at the state prison at Folsom for the warden. Appropriation to construct and furnish residence for warden.

SEC. 2. The provisions of an act entitled, "An act to create a state board of charities and corrections, prescribing its duties and powers, and appropriating money therefor," approved March 25, 1903, and all acts amendatory thereto, shall not be applicable to this act.

SEC. 3. The provisions of an act entitled, "An act to regulate contracts on behalf of the state in relation to erections and buildings," approved March 23, 1876, and all acts amendatory thereto, shall not be applicable to this act.

SEC. 4. The state controller is hereby directed to draw his warrant payable to the state board of prison directors in such amounts and at such times as may be approved by the state board of examiners, and the state treasurer is directed to pay the same.

CHAPTER 563.

An act authorizing the state board of prison directors to provide for assisting discharged prisoners to secure employment and making an appropriation for the purpose of the act.

[Approved April 14, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Dis-
charged
prisoners,
assistance
to.

SECTION 1. The state board of prison directors shall have the power and authority to provide for assisting discharged prisoners to secure employment and for that purpose they may employ one or more persons, may purchase tools or give any other assistance that in their judgment they may deem proper for the purpose of carrying out the objects and the spirit of this act.

How
appropria-
tion may
be drawn.

SEC. 2. Upon this act becoming effective, the state board of prison directors may draw upon the moneys herein appropriated in the amount of two hundred fifty dollars (\$250.00) without submitting vouchers therefor, which amount shall, from time to time, be replenished by demands upon said appropriation equal to the amount of expenditures represented by vouchers submitted to the state board of examiners and filed with the controller.

Appropriation.

SEC. 3. The sum of \$8,000.00 is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purposes of this act, and the state controller is hereby directed to draw his warrant therefor, payable to the state board of prison directors in such amount as may be required from time to time and the state treasurer is directed to pay the same.

SEC. 4. This act shall take effect immediately after passage.

CHAPTER 564.

An act providing for the repairing of the buildings at the state prison at Folsom and making an appropriation therefor.

[Approved April 14, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.

Repair of
buildings.

SECTION 1. The sum of fifteen hundred dollars (\$1,500.00) or so much thereof as may be necessary is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be paid to the state board of prison directors for the repairing of buildings at the state prison at Folsom.

SEC. 2. The state controller is hereby directed to draw his warrant payable to the state board of prison directors in such amounts and at such times as may be approved by the state board of examiners, and the state treasurer is directed to pay the same.

CHAPTER 565.

An act appropriating money for metal shelving, record cases, fixtures and other accessories for the use of the clerk of the supreme court.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any funds available therefor, the sum of six thousand dollars to be used in procuring metal shelving, metal record cases, fixtures and other accessories for the use of the clerk of the supreme court in the clerk's office of the supreme court in San Francisco, the said money to be expended and paid out under the direction and control of the clerk of the supreme court.

Appropriation.
Office fixtures, clerk of supreme court.

SEC. 2. This act shall take effect immediately.

CHAPTER 566.

An act authorizing the state treasurer to purchase a bond filing case and making an appropriation therefor.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The state treasurer is hereby authorized to purchase one bond filing case for use in his office in the state capitol.

Bond filing case.

SEC. 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose herein authorized, the sum of four hundred dollars, or so much thereof as may be necessary.

Appropriation.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 567.

An act making an appropriation for the erection and construction of a building at the California Home for the Care and Training of Feeble-Minded Children, as an addition to the present kitchen, to be used for the accommodation of a cold storage and ice plant; for the purchase and installation in said building of a cold storage and ice plant; for repairs to the present kitchen at said home; and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.
Addition and repairs to kitchen.

SECTION 1. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of managers of the California Home for the Care and Training of Feeble-Minded Children, for the erection and construction of a building at said home, as an addition to the present kitchen, to be used for the accommodation of a cold storage and ice plant; for the purchase and installation in said building of a cold storage and ice plant; for repairs to the present kitchen at said home; and for the purchase and installation in said kitchen of necessary kitchen ranges and cooking utensils.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the board of managers of the California Home for the Care and Training of Feeble-Minded Children for the amount hereby appropriated, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1909.

CHAPTER 568.

An act making an appropriation for the purpose of enlarging the power house at the California Home for the Care and Training of Feeble-Minded Children, and for the purchase and installation therein of two steam boilers and necessary tools and machinery.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of managers of the California

Home for the Care and Training of Feeble-Minded Children, for the purpose of enlarging the power house at said home, and for the purchase and installation therein of two steam boilers and necessary tools and machinery.

Enlarging
and
improving
power
house.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the board of managers of the California Home for the Care and Training of Feeble-Minded Children for the amount hereby appropriated, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1909.

CHAPTER 569.

An act to authorize certain improvements upon the buildings, grounds and streets adjacent to the grounds of the California Institution for the Deaf and Blind at Berkeley, and making an appropriation therefor.

[Approved April 14, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of thirteen thousand one hundred and forty-four dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be paid to the directors of the California Institution for the Deaf and Blind at Berkeley for the purpose of repairing and improving the plumbing in the buildings of said institution, installing electric lights, making renewals to the water system, laying water pipes and installing hydrants and chemical fire extinguishers for fire protection, and for street improvements on Derby street, Dwight way and Warring street, adjacent to the grounds of said institution, and laying a cement sidewalk thereon, and such other work and materials as may be necessary in connection with the improvements herein mentioned.

Appropriation.
General
repairs.

SEC. 2. The state controller is hereby directed to draw his warrants in favor of the board of directors of said institution for the money hereby appropriated, and the state treasurer is hereby directed to pay said warrants.

SEC. 3. All bids for material and labor in carrying out the provisions of section one of this act shall be first audited by the board of directors of said institution and approved by the state board of examiners before being paid.

Audit of
bids.

SEC. 4. This act shall take effect immediately.

CHAPTER 570.

An act providing for the construction of a water and sewer system in California Redwood Park and making an appropriation therefor.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.
Water and sewer system.

SECTION 1. The department of engineering is hereby authorized and instructed to construct a water and sewer system in California Redwood Park, following the plans and specifications made by the state engineer. The sum of \$5,000 is hereby appropriated out of any funds in the state treasury not otherwise appropriated to defray the expenses of this work.

CHAPTER 571.

An act making an appropriation for fencing at the California Home for the Care and Training of Feeble-Minded Children.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.
Fencing.

SECTION 1. The sum of \$2,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of managers of the California Home for the Care and Training of Feeble-Minded Children for fencing at said home.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the board of managers of the California Home for the Care and Training of Feeble-Minded Children for the amount appropriated by section one of this act, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force July 1, 1909.

CHAPTER 572.

An act to authorize the establishment of the California State Trades and Training School for dependent orphans, half orphans, abandoned children and children committed by court and placed under guardianship of the board of trustees, the appointment of a board of trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby established in this state a school to be known as the California State Trades and Training School. The purpose of this school is to furnish to the dependent orphans, half orphans, abandoned children and children ordered committed by court, of both sexes, mental and manual training in the arts, sciences and trades, including agriculture, mechanics, engineering, business methods, domestic economy and such other branches as will fit the students for the different occupations of life.

California
State
Trades and
Training
School.

SEC. 2. The California State Trades and Training School shall be located at such a place as may be selected by the governor, attorney general, secretary of state, one member of the senate and one member of the assembly appointed by the governor, who are hereby named as a commission to select a proper site for the aforesaid school, the same to be as near as possible centrally located in the state, with a view to making it the most useful, convenient and economical in its conduct.

Location
of.

SEC. 3. Within thirty days after this act goes into effect, the governor shall appoint four persons who, in connection with the secretary of the state board of examiners, shall constitute a board of trustees of said school.

Appoint-
ment of
trustees.

SEC. 4. The term of office of the trustees shall be four years, except that in the appointment of the four persons mentioned in section 3, the governor, in the first appointment of trustees shall appoint two for a term of two years and two for four years, and the acting secretary of the state board of examiners shall constitute the other member of said board who will act during his term of office.

Term of
office.

SEC. 5. The sum of \$125,000.00 is hereby appropriated out of any moneys belonging to the state, not otherwise appropriated, for the purchase of a site and the preparation of the necessary plans and specifications for grounds and buildings; *provided*, that if any or all of the money is not expended as provided above then it shall immediately become available for the purchase of material and employment of labor for erection of the buildings needed for the school.

Appropriation.

- Who eligible to admission.** SEC. 6. The children who are eligible for admission to the California State Trades and Training School must be dependent orphans, abandoned children and half orphans whose surviving parent is unable to support such children, and such other children as may be ordered committed by court and placed under guardianship of the board of trustees of the California State Trades and Training School who have been taken from parents for their protection and education.
- Conditions of admission.** SEC. 7. Children admitted to the California State Trades and Training School must be at least fourteen years of age and not over eighteen years, and must be of sound mind, free from contagious or other diseases that would unfit them for admission, and must be acceptable to the board of trustees in other ways, and any such children on arriving at the age of eighteen years shall be discharged and the trustees of said school be relieved from further guardianship.
- Control of children.** SEC. 8. All children admitted either from orphan homes, juvenile or other courts, or any other source, must first be placed under guardianship of the board of trustees of the California State Trades and Training School by a competent order of court, and any and all other control of such child be absolutely relinquished to such board of trustees, who will have power to make any disposition of such child as may be deemed best for its future welfare.
- Estates of children.** SEC. 9. Any estate, moneys or other property that may belong to any child in the school shall be held in trust for such inmate, and upon approval of court may be invested for his benefit, and if of the value of over five hundred dollars such amount in excess of said five hundred dollars may be used by the board of trustees to pay the expense of support of such child to an amount not exceeding fifteen dollars per month while in the said school.
- Education.** SEC. 10. The system of education shall be such as not to conflict with that provided for the public schools of the state and such other branches as may be deemed advisable by the board of trustees.
- Expenses of trustees.** SEC. 11. The board of trustees shall receive their necessary traveling expenses while in the discharge of their official duties incidental to the management of the school.
- Expenses of school.** SEC. 12. The expenditures of all moneys necessary for the expense of purchase, management and control of the above-mentioned school shall be paid out of the funds provided by law and in the same manner as other state institutions.
- Construction of statute.** SEC. 13. This statute is to be construed liberally by the board of trustees and the courts of the state in order that the greatest good may be accomplished. Satisfactory proof of the needs of all children for state support must be furnished the board of trustees before their admission and at any time during their presence at the school when deemed necessary by the board of trustees. Only children of bona fide citizens and residents of the state, who were such prior to their death, are to be admitted.
- Object of statute.** The principal object of this statute and the establishment

of the California State Trades and Training School hereunder, is to provide education and training for such dependent children who have been cared for in the different orphan homes in this state and by county boards of supervisors, and who no longer are entitled to draw state aid because of the age limit of fourteen years, and for children ordered committed by court, and in this way assist them until they are eighteen years of age by giving them a practical training and education in order that they may be self-supporting.

SEC. 14. The board of trustees are hereunder given authority to adopt such rules and regulations for the management of the institution as may seem best when not in conflict with the direction and approval of the state board of examiners.

Rules for management.

CHAPTER 573.

An act providing for the construction of additional houses for the use of officers, guards and employes at the state prison at Folsom and to make an appropriation therefor.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of thirty-five hundred dollars (\$3,500.00) or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the state board of prison directors for the purpose of constructing additional houses for the use of the officers, guards and employes at the state prison at Folsom.

Appropriation.

Additional houses for officers and employes.

SEC. 2. The provisions of an act entitled, "An act to create a state board of charities and corrections, prescribing its duties and powers, and appropriating money therefor," approved March 25, 1903, and all acts amendatory thereto, shall not be applicable to this act.

SEC. 3. The provisions of an act entitled, "An act to regulate contracts on behalf of the state in relation to erections and buildings," approved March 23, 1876, and all acts amendatory thereto, shall not be applicable to this act.

SEC. 4. The state controller is hereby directed to draw his warrant payable to the state board of prison directors in such amounts and at such times as may be approved by the state board of examiners, and the state treasurer is directed to pay the same.

CHAPTER 574.

An act to provide for the wiring of hospital buildings and all other buildings situated in and about the grounds of the Stockton State Hospital, together with the installation of an electric light plant consisting of all necessary fixtures and equipments, and to make an appropriation therefor.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.

Installation of electric light plant.

SECTION 1. The sum of thirty-two thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to be paid to the board of managers of the Stockton State Hospital to be by them expended for the wiring of the hospital buildings and all other buildings situated in and about the grounds of the Stockton State Hospital, and for the installation of an electric light plant consisting of all necessary equipments and fixtures, such as boilers, generators, dynamos, etc.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrants in favor of said board of managers for the amount herein made payable in such amounts and at such times as may be approved by the state board of examiners, and the state treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after July 1, 1909.

CHAPTER 575.

An act making an appropriation of five thousand dollars to pay the traveling expenscs and salary of a parole officer for the Whittier State School.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.

Expenses of parole officer.

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be expended for salary and traveling expenses of a parole officer of the Whittier State School, appointed in accordance with an act entitled, "An act providing for a parole officer, etc.," approved March 21st, 1907.

SEC. 2. Not more than fifty per cent of the appropriation herein provided for shall be expended in any one year.

CHAPTER 576.

An act appropriating money to pay the claim of B. A. Palmer against the State of California.

[Approved April 14, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of three thousand dollars is hereby appropriated, out of any money in the state treasury, not otherwise appropriated, to pay the claim of B. A. Palmer against the State of California.

Appropriation.
Claim of
B. A.
Palmer.

SEC. 2. The state controller is hereby directed to draw his warrant in favor of the said B. A. Palmer for said sum of three thousand dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act is hereby exempted from the provisions of section 672 of the Political Code of the State of California.

Exemption.

SEC. 4. This act shall take effect immediately.

CHAPTER 577.

An act making an appropriation of one thousand seven hundred and twenty-five dollars (\$1,725.00), to be applied to the cost of building concrete curb and gutter along the boundary of the grounds of the state normal school at San Jose, and defining the duties of the controller and treasurer in reference thereto.

[Approved April 14, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of one thousand seven hundred and twenty-five dollars (1,725.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the use of the board of trustees at the state normal school at San Jose, to be applied to the cost of building curb and gutter of cement along the boundary of the grounds of the state normal school at San Jose, on Fourth, Seventh, San Carlos and San Fernando streets, except that portion fronting the city high school and Carnegie library.

Appropriation to build curb and gutter.

SEC. 2. The controller is authorized and directed to issue his warrant for the above sum, payable to the board of trustees of the state normal school at San Jose, and the treasurer of state is hereby directed to pay said warrant.

SEC. 3. This act shall take effect immediately.

CHAPTER 578.

An act appropriating eighty-five dollars for the payment of claim of Regal Shoe Company.

[Approved April 14, 1000.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.

Claim of Regal Shoe Company.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of eighty-five dollars for the payment of claim of Regal Shoe Company for money overpaid the State of California as a corporation license tax.

SEC. 2. The controller is directed to draw his warrant in favor of the Regal Shoe Company, for the sum of eighty-five dollars, and the treasurer is directed to pay the same.

CHAPTER 579.

An act making an appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.

Assessments for street work.

SECTION 1. The sum of four thousand dollars is hereby appropriated out of the general fund of the state treasury to be expended by the board of Sutter's Fort trustees in paying assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work during the sixty-first and sixty-second fiscal years.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrant in favor of said board of Sutter's Fort trustees in such amounts and at such times as may be approved by the state board of examiners; and the treasurer is directed to pay the same.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect immediately.

CHAPTER 580.

An act making an appropriation for the maintenance and improvement of the grounds and buildings of Sutter's Fort.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of seven thousand dollars (\$7,000.00) is hereby appropriated out of the state treasury to be expended by the board of Sutter's Fort trustees in the maintenance and improvement of the buildings and grounds of Sutter's Fort, five thousand dollars (\$5,000.00) shall be available during the sixty-first fiscal year and the remainder during the sixty-second fiscal year.

Appropriation.

Maintenance and improvements.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrant in favor of the board of Sutter's Fort trustees for the amount herein, made payable in such amounts and at such times as may be approved by the state board of examiners; and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER 581.

An act providing for an assistant gardener for Sutter's Fort.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The board of Sutter's Fort trustees are hereby authorized and empowered to appoint an assistant gardener for the purpose of caring for the grounds around Sutter's Fort.

Assistant gardener.

SEC. 2. The assistant gardener shall receive an annual salary of one thousand and eighty dollars to be paid at the same time and in the same manner as other state officers.

Salary.

SEC. 3. This act shall take effect immediately.

CHAPTER 582.

An act appropriating three hundred and fifty dollars to be expended in purchase of a piano for the Whittier State School.

[Approved April 14, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.
Purchase of piano.

SECTION 1. The sum of three hundred and fifty dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be expended in the purchase of one piano for the Whittier State School.

SEC. 2. The state controller is hereby authorized to draw his warrant in favor of the board of trustees of the Whittier State School for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

CHAPTER 583.

An act making an appropriation of three thousand four hundred and eighty dollars (\$3,480.00), to be applied to the cost of grading, paving, guttering, curbing and sidewalking Grand avenue in the city of Los Angeles, along the easterly boundary of the grounds of the state normal school at Los Angeles, and defining the duties of the controller and treasurer, in reference thereto.

[Approved April 14, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.
Grading and paving.

SECTION 1. The sum of three thousand four hundred and eighty dollars (\$3,480.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the use of the board of trustees of the state normal school at Los Angeles, to be applied to the cost of grading, paving with asphalt, paving with granite blocks, guttering with vitrified brick and cement curbing and cement sidewalking Grand avenue in the city of Los Angeles, along the easterly boundary of the grounds of the state normal school at Los Angeles.

SEC. 2. The controller is authorized and directed to issue his warrant for the above-named sum, payable to the board of trustees of the state normal school at Los Angeles, and the treasurer of state is hereby directed to pay said warrant.

SEC. 3. This act shall take effect immediately.

CHAPTER 584.

An act appropriating money to provide and equip quarters for the Hastings College of the Law.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of six thousand eight hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated by law to provide and equip quarters, in the city of San Francisco, for the Hastings College of the Law, by the board of trustees thereof. Appropriation to provide and equip quarters.

SEC. 2. The controller of the state is hereby directed to draw his warrant in favor of the said board of trustees for the amount hereby appropriated, and the state treasurer is hereby directed to pay the same.

CHAPTER 585.

An act to provide for the transfer from the general fund of the state treasury to the San Francisco harbor improvement fund of the sum of twenty-two thousand nine hundred and thirty-seven dollars and forty-five cents, to reimburse said San Francisco harbor improvement fund for the costs of publishing the "Second San Francisco Seawall Act", and the "India Basin Act", and directing the state controller and state treasurer to make such transfer.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The state controller and the state treasurer are hereby directed to transfer from the general fund of the state treasury to the San Francisco harbor improvement fund the sum of twenty-two thousand nine hundred and thirty-seven dollars and forty-five cents (\$22,937.45), which sum was paid by the board of state harbor commissioners on the fourth day of December, 1908, out of the San Francisco harbor improvement fund in payment of the costs of publication of the "Second San Francisco Seawall Act" and the "India Basin Act" prior to the submission of said acts to the people of the State of California for their ratification at the general election held on November 3d, 1908. Transfer of funds.

CHAPTER 586.

An act to amend section 1552 of the Political Code of the State of California, relating to the traveling expenses of county, and city and county superintendents.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Expenses
of county
superin-
tendent,
payment
of.

SECTION 1. Section 1552 of the Political Code of the State of California, is hereby amended to read as follows:

1552. Each county superintendent shall receive his actual and necessary traveling expenses, said expenses to be allowed by the board of supervisors, and to be paid out of the county general fund, *provided*, that this amount shall not exceed ten dollars per district per annum. *Provided further* that in any city and county each one thousand school census children as shown by the last school census shall be considered equal to one school district.

SEC. 2. This act shall take effect immediately.

CHAPTER 587.

An act legalizing the formation and organization of reclamation district number seven hundred and eighty-five, in the county of Yolo, State of California.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Reclama-
tion Dis-
trict No.
785, valida-
tion of.

SECTION 1. The formation and organization of reclamation district number seven hundred and eighty-five, in the county of Yolo, State of California, by the board of supervisors of the county of Yolo, State of California, is hereby approved, confirmed, ratified, legalized and declared valid.

SEC. 2. This act shall take effect and be in force immediately.

CHAPTER 588.

An act to amend section 1880 of the Political Code, relative to elections for issuance of school bonds.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section eighteen hundred eighty of the Political Code is hereby amended to read as follows:

1880. The board of trustees, board of education or other governing body of any school district may, when in their judgment it is advisable, and must, upon a petition of a majority of the heads of families residing in such district, according to the number of heads of families therein shown by the last preceding school census, call an election and submit to the electors of the district the question, whether the bonds of such district shall be issued and sold for the purpose of raising money for purchasing school lots, for building or purchasing one or more school buildings or making alterations or additions to any school building or buildings, for repairing, restoring or re-building any school building damaged, injured, or destroyed by fire, or other public calamity, for insuring school buildings, for supplying school buildings with furniture or necessary apparatus, for improving school grounds, for liquidating any indebtedness already incurred for said purposes, or for refunding any valid outstanding indebtedness of such district evidenced by bonds or warrants thereof. The order calling such election shall be valid and effectual when signed by a majority of said governing body, and may so submit to said electors as one proposal the question of issuing bonds to make all said outlays, or so many of them as may be selected; or said order may submit at said election as separate questions the issuance of bonds for any of said outlays, singly or in such combinations as the order may direct.

School district bonds, elections for.

CHAPTER 589.

An act to amend sections 1191 and 1202 of the Penal Code of the State of California relating to the time for pronouncing and rendering judgment.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1191 of the Penal Code of the State of California, is hereby amended to read as follows:

Judgment,
time for
pronounc-
ing.

1191. After a plea or verdict of guilty, or after a verdict against the defendant on a plea of a former conviction or acquittal, or once in jeopardy, the court must appoint a time for pronouncing judgment, which must not be less than two, nor more than five days after the verdict or plea of guilty; *provided, however,* that the court may extend the time not more than ten days for the purpose of hearing or determining any motion for a new trial, or in arrest of judgment; *and provided further,* that the court may extend the time not more than twenty days in any case where the question of probation is considered, in accordance with section 1203 of this code. If in the opinion of the court there is a reasonable ground for believing a defendant insane, the court may extend the time of pronouncing sentence until the question of insanity has been heard and determined, as provided in chapter VI, title X, part II of this code.

If defend-
ant be
insane.

SEC. 2. Section 1202 of the Penal Code of the State of California, is hereby amended to read as follows:

New trial,
defendant
entitled to
if judg-
ment not
pronounced.

1202. If no sufficient cause is alleged or appears to the court at the time fixed for pronouncing judgment, as provided in section 1191 of this code, why judgment should not be pronounced, it must thereupon be rendered; and if not rendered or pronounced within the time so fixed or to which it is continued under the provisions of section 1191 of this code, then the defendant shall be entitled to a new trial. If the court shall refuse to hear a defendant's motion for a new trial or when made shall neglect to determine such motion within the time fixed for pronouncing judgment, or within the time to which the same is continued under the provisions of section 1191 of this code then the defendant shall be entitled to a new trial.

CHAPTER 590.

An act legalizing the formation and organization of reclamation district number seven hundred and eighty-seven, in the county of Yolo, State of California.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The formation and organization of reclamation district number seven hundred and eighty-seven, in the county of Yolo, State of California, by the board of supervisors of the county of Yolo, State of California, is hereby approved, confirmed, ratified, legalized and declared valid.

Reclamation District No. 787, validation of.

SEC. 2. This act shall take effect and be in force immediately.

CHAPTER 591.

An act to provide for the medical treatment of indigent residents afflicted with incipient pulmonary tuberculosis; and to prescribe the duties of the state board of health and other public officials with relation thereto.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Until such time as there shall be established by law in this state a state hospital for the medical treatment of persons afflicted with incipient pulmonary tuberculosis, the state board of health is hereby authorized and empowered to enter into appropriate contracts with the board of managers, or other executive head, of any institution which is now or may hereafter be established and maintained in this state for the express purpose of affording approved medical treatment to patients having incipient pulmonary tuberculosis, wherein there shall be made provision for the treatment at public expense of indigent residents of this state afflicted with such disease. In making such contracts, the board shall be guided by general considerations of public health and safety, together with the approved teachings of medical science, touching upon the location, altitude and climatic conditions of the institutions offering to enter into such contracts. The board of managers, or other executive head, of each institution desiring to enter into such contracts and receive and treat patients, under the provisions of this act, must, in writing, apply to the secretary

Medical treatment of patients having tuberculosis.

Contracts by institutions.

Contracts
by institu-
tions.

of the state board of health for an inspection and examination of such institution, and must give all such information concerning the location, climatic surroundings, methods of treatment or other details of management, as the board may require. Such information shall be given upon forms prepared for the purpose by the board of health, and shall be signed by the medical superintendent of such institution. In the event such institution, its management and methods of treatment be approved by the board of health, the board of managers, or other executive head thereof, shall, within ten days after receipt of notice of such approval, forward to the secretary of the board, a written offer in behalf of such institution to receive, medically treat, and otherwise care for, such patients as might be sent there under the provisions of this act, not exceeding a stated number in all, at a uniform charge, which shall in no case exceed one dollar per day for each of such patients; further agreeing in behalf of said institution to furnish to the secretary of the board, on forms prepared by him, all such reports as the state board of health may, from time to time, require, together with full and complete information concerning any new or important discoveries made in the methods of treating, checking, preventing, or curing said disease, and such recommendations regarding the same as may be deemed beneficial to the interests of the public. Upon receipt of such offer, the board may, if it so elects, proceed to enter into a contract with such institution for the maintenance and treatment therein of county patients, the form of which shall be approved by the attorney general prior to execution. Every institution entering into such a contract shall be required to give bonds in the sum of five thousand dollars, conditioned for the faithful performance of the obligations by it assumed in such contract. Upon the execution of the contract and the filing of the bond, the secretary of the state board of health shall certify to the clerk of the board of supervisors of each county in this state the name and location of such institution and such other details concerning the same as he may deem appropriate.

Counties
may
maintain
indigent
patients.

SEC. 2. Each county of this state is hereby given the privilege of maintaining in said institutions, at the expense of such county, such number of indigent patients as its board of supervisors may determine; *provided, however*, that the total number of such patients shall not exceed the aggregate capacity of the institutions making such contracts; *and provided further*, that no county shall be required to pay more than one dollar per day per patient for all medical and other services rendered such patient.

Applica-
tions for
admission
of patients.

SEC. 3. Indigent persons who are afflicted with incipient pulmonary tuberculosis, and who have been residents of this state for not less than one year prior to making application therefor, may be admitted to any such institution selected as in section one hereof provided, and receive treatment therein at the expense of the county in which he or she resides, in the manner and upon the terms and conditions hereinafter pre-

scribed. Any person desiring to receive such treatment must make written application therefor to the board of supervisors of the county in which he or she resides, stating the name, age, sex, place of residence, and such other data concerning the applicant as the state board of health may, from time to time, prescribe. Such application must be verified by the oath or affirmation of the applicant. If the board be satisfied as to the truth of such declarations, and if there be then a vacancy in the number of indigent patients to be supported by such county, the board shall require the applicant to submit to a proper bacteriological and clinical examination by the county physician, or, if there be none, by the county health officer, for the purpose of ascertaining whether or not the condition of the applicant is such as to afford a reasonable hope of cure by a course of treatment in one of such institutions. The state board of health shall make bacteriological examinations under this act whenever demanded by the county physician or county health officer. If, in the judgment of the medical officer making such examination, the applicant is afflicted with incipient pulmonary tuberculosis and there is a reasonable hope that such person may be cured, he shall so certify to the board, and the board may thereupon order that the applicant be maintained as a patient in one of the institutions named by the state board of health until cured, or until discharged as hereinafter provided. The necessary expense of transporting such patient to the institution selected shall be advanced and paid by the county.

Examina-
tions.

SEC. 4. The medical superintendent of each institution in which there are maintained any patients under the provisions of this act shall, monthly, render to the board of supervisors of each county from which patients have been received an itemized claim, duly verified, showing the number of patients from such county so maintained in such institution during the month last preceding, or any part thereof, the name of each patient, and the amount due such institution. It shall be the duty of the board of supervisors to audit and allow such claim in the manner provided by law, and to order a warrant drawn for the amount thereof in favor of such institutions. It shall be the duty of the county auditor to draw such warrant, and of the county treasurer to pay the same.

Allowance
of claims
for main-
tenance.

SEC. 5. If, in the judgment of the medical superintendent of any institution mentioned in this act, any patient has become cured of his disease, he shall discharge such patient and shall furnish him with transportation to the county seat of the county whence he came. The amount advanced for such transportation shall be included in the next monthly bill and shall be audited and paid as are the other items thereof. Or, if any patient be deemed hopelessly incurable, the superintendent shall report such fact to the secretary of the state board of health, and shall, subject to the approval of the secretary, discharge such patient and return him to the county whence he came, at the expense of such county, as hereinabove provided.

Discharge
of patients.

SEC. 6. Pulmonary tuberculosis is hereby declared to be an

Tubercu-
losis
declared to
be
infections.

infectious and communicable disease, dangerous to the public health, and all proper expenditures which may be made by any county of this state, pursuant to the provisions of this act, are hereby declared to be necessary for the preservation of the public health of the county, within the meaning of section 4225 of the Political Code.

CHAPTER 592.

An act to amend section 1636 of the Political Code of the State of California, relating to taking the school census by providing for signature of parent or guardian to census and by providing a fine for those refusing to give in the school census.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1636 of the Political Code is hereby amended to read as follows:

What report must show.

1636. His report must be made under oath, upon blanks furnished by the superintendent of public instruction, and must show:

First. The number, age, sex, color, name and nationality of the children listed, and the number of those who from deafness are unable to hear common conversation.

Second. The names of the parents or guardians of said children arranged alphabetically. In all cities the number and street of residence must be given. Outside of cities the post office address must be given.

Third. The number of school children in each house, or family, that have not been vaccinated.

Fourth. Such other facts as the superintendent of public instruction may designate.

Parent must sign statement.

Fifth. The parent or guardian or other person having the control of any child or children under the age of seventeen years who gives to the school census marshal the facts asked for by said school census marshal shall sign his or her name to the facts as given in. If said parent, guardian or other person giving in the census, can not write, he may ask the census marshal to sign his name for him after which he must make his mark, the census marshal certifying that said person can not write. The census marshal shall have power to administer oaths to parents or guardians or other persons giving in the census. Any parent or guardian or other person having the control of any child or children under the age of seventeen years who shall refuse or willfully neglect to give in the correct school census of any child or children under his control shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars for each offense. The

amount of such fine shall be collected by the proper officer of the court and paid into the county treasury to the credit of the county school fund of the school district or city in which the child or children reside.

Six. If at any time the superintendent of schools has reason to believe that a correct census of the district has not been taken, he must have it corrected, and if necessary for the purpose he may appoint a census marshal, and have the census of the district retaken. Should the board of education or the board of school trustees of said city or district fail or refuse to issue an order for the compensation of said marshal for his services, the superintendent of schools is hereby authorized to issue his requisition therefor against the county fund of such city or district without such order.

Seven. Whenever, by reason of conflagration or other public calamity, it shall be, or has been, impossible or impracticable in any city, city and county, or school district to take or make between the fifteenth and thirtieth days of April, inclusive, a census of all children between the ages of five and seventeen years, as provided in part III of this code, the superintendent of schools shall, as a substitute for such census, use the school census of such city, city and county, or school district of the next preceding school year, adding thereto or deducting therefrom the percentage of average annual loss or gain in the number of children of census age within such city, city and county, or school district, ascertain from an inspection and examination of the school census record for the preceding ten years in said city, city and county, or school district, and such census when so prepared shall be conclusive on all school authorities.

SEC. 2. This act shall take effect July first, 1909.

CHAPTER 593.

An act to amend section 1662 of the Political Code by determining the number of years of instruction in the day and evening elementary schools; determining the age of admission to the day and evening elementary schools, and providing for separate schools for Indian, Mongolian and Chinese children and authorizing the exclusion of children of filthy or vicious habits.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1662 of the Political Code is hereby amended to read as follows:

1662. 1. The courses of study for the day elementary schools of California shall embrace eight years of instruction; and such courses must allot eight years for instruction in

Corrected
census.

When
prior cen-
sus may be
used.

Courses of
study.

subjects required to be taught in such schools and may allot not more than two years for kindergarten instruction.

Ages of admission.

2. The day elementary schools of each school district of California shall be open for the admission of all children between six and twenty-one years of age residing in the district, and may be open for the admission of adults if the governing body of the district deem such admission advisable; *provided*, that where kindergarten instruction is given in the schools of a district, such school shall admit children to the kindergarten classes at four years of age; and the reports for the kindergarten classes shall be kept and shall be made separate from other school reports; *and provided further*, that wherever a school is established for the instruction of the deaf such children may be admitted to such school at three years of age; *provided* that the average daily attendance of deaf children who are six years of age or older shall be counted as part of the average daily attendance in the day elementary schools.

Separate schools for Indians, etc.

3. The governing body of the school district shall have power to exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases, and also to establish separate schools for Indian children and for children of Chinese or Mongolian descent. When such separate schools are established, Indian, Mongolian or Chinese children must not be admitted into any other school.

Evening schools.

4. The courses of study for the evening elementary schools of California shall embrace eight years of instruction in the subjects permitted to be taught in such schools.

Ages of admission.

5. The evening elementary schools of any school district shall be open for the admission of all children over the age of fourteen years, residing in the district, and for the admission of adults; *provided*, that children under fourteen years of age who have been given permits to work in accordance with the provisions of an act to enforce the educational rights of children may be admitted to the evening elementary schools.

CHAPTER 594.

An act entitled "An act to amend section 1564 of article IV of the Political Code by increasing the allowance of money for conducting separate teachers' institutes."

[Approved April 14, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1564 of article IV of the Political Code is hereby amended to read as follows:

Teachers' institutes, payment of expenses of.

1564. The county superintendent, the city and county superintendent, and the city superintendent must each keep an accurate account of the actual expenses incurred by them

in holding any teachers' institute whether separate or joint, with vouchers for the same; and the county superintendent shall draw his requisition upon the county auditor, who shall draw his warrant on the unapportioned county school fund to pay the expense of the county institute; and the city and county superintendent shall draw his requisition upon the city and county auditor, who shall draw his warrant upon the city and county school fund to pay the expense of the city and county institute; and the city superintendent shall present his bill for the expenses incurred by him in holding the city district institute to the city board of education, who shall pay the same from the city school district's county fund in the same manner as other claims against the city school district's county fund are paid; *provided*, that no more than two hundred dollars (\$200.00) shall be paid by each county, city and county, or city school district toward the expense of any joint institute or convention; *and provided further*, that not more than three hundred dollars (\$300.00) shall be paid for the expenses of any separate institute held by the superintendent of any county, city and county, or city school district having less than one hundred teachers regularly employed in the elementary and secondary schools of such county, city and county, or city school district; *and provided further*, that where the number of teachers regularly employed in the elementary and secondary schools of any county, city and county, or city school district exceeds one hundred teachers at the time of holding any separate institute, the superintendent may expend money in addition to the three hundred dollars (\$300.00) hereinbefore provided at the rate of one dollar (\$1.00) per teacher for each teacher in excess of one hundred teachers regularly employed at the time of holding such separate institute.

Joint
Institutes.

CHAPTER 595.

An act to amend section 1663 of the Political Code relating to the public schools.

[Approved April 14, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1663 of the Political Code is hereby amended to read as follows:

1663. 1. The public schools of California, other than those supported exclusively by the state, shall be classed as day and evening elementary, and day and evening secondary schools.

Classifica-
tion of
schools.

The day and evening elementary schools of California shall be designated as primary and grammar schools.

The day and evening secondary schools of California shall be designated as high schools and technical schools, and either class may include a portion of the other class.

Teachers' certificates.

No teacher shall be employed to teach in any way, in any school, if the certificate held by the teacher is of a grade below that of the school or class to be taught; *provided*, that the holders of existing primary certificates or of the same when hereafter renewed or made permanent shall be eligible to teach in any of the grades of a day or evening elementary school below the sixth year and not including the kindergarten grades; and in any day or evening elementary school of the county, or city and county, which the county, or city and county superintendent shall designate as a primary day or evening elementary school; *and provided further*, that the holder of any valid special certificate for kindergarten work, or of any kindergarten-primary certificate, shall be eligible to teach in the kindergarten grades of day elementary schools.

Course of study to be prescribed, when.

2. The county, or city and county board of education must, except in incorporated cities having boards of education, on or before the first day of July of each year, prescribe the course of study in and for each grade of the day and evening elementary schools for the ensuing school year.

Diplomas of graduation.

3. Except in city school districts having boards of education, the county, or city and county board of education shall provide for the conferring of diplomas of graduation by examination or otherwise upon those pupils who have satisfactorily completed the course of study provided for the day or evening elementary schools of the county, or city and county.

Amending course of study.

4. Whenever necessary the county, or city and county board of education, may amend and change, subject to section 1665 of this code, the course of study prescribed by them for the day and evening elementary schools.

CHAPTER 596.

An act to provide for the employment of a clerk by certain justices of the peace and to pay the salaries of such clerk.

[Approved April 15, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Clerk to township justice court.

SECTION 1. In cities of this state where there are two justices of the peace one of whom is the city justice of said city and who is paid a salary and who is provided with a clerk and courtroom by said city and the other justice known as the township justice and whose compensation in civil cases is by fee and who is paid a salary by the county, in lieu of fees for

all criminal cases that the district attorney may try or examine in said township justices' court, the justice of the peace in and for said township justices' court is hereby entitled to and may appoint a clerk subject to the approval of the board of supervisors of the county to properly keep the records of his court and to do and perform such other work as the justice of said court may assign to such clerk.

Sec. 2. The clerk of said township justices' court shall be paid an annual salary of twelve hundred dollars, to be paid monthly by the county in which said justices' court shall be located; said clerk's salary shall be audited, allowed and paid as the salaries of county officers are audited, allowed and paid.

CHAPTER 597.

An act entitled "An act to amend section 1560 of article IV of the Political Code of California by providing for joint institutes or conventions of teachers and providing a penalty for county superintendents who fail to hold institutes."

[Approved April 15, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1560 of article IV is hereby amended to read as follows:

1560. The superintendent of every county in which there are twenty or more school districts, and of every city and county, and of every city school district governed by a city board of education and employing seventy or more teachers, must hold at least one teachers' institute in each year; and every teacher employed in the schools of the county, city and county, or city school district holding such institute must attend the same and participate in its proceedings; and shall be paid his regular salary for the time covered by such attendance; *provided*, that the superintendents of two or more adjacent counties, or city and county, or city school districts may unite for the purpose of holding a joint institute or convention and may direct the teachers of their respective counties, city and county, or city school districts to attend the same in lieu of all or of a designated part of the county, city and county, or city school district institute, under the same conditions and compensations as are herein provided for the county, city and county, or city school district institute; *provided*, that the expense of such joint institute shall be borne equally by the counties, city and county, and city school districts participating therein, and shall not exceed two hundred dollars (\$200.00) for each county, city and county, or city

Teachers' institutes, provision for.

Joint institutes.

Expense of joint institutes.

school district participating therein; and shall be paid in each county from the unapportioned county school fund, in each city and county from the city and county school fund, and in each city school district from such school district's county school fund. A county superintendent of schools who shall refuse or neglect to hold an institute for any one year as directed by this section shall forfeit the last month's salary of the year in which he fails to hold said institute and the county auditor whose duty it is to draw the warrant in favor of such superintendent is hereby directed to withhold said salary on proof of such neglect.

Neglect to hold.

CHAPTER 598.

An act to provide for health and development supervision in the public schools of the State of California.

[Approved April 15, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Health supervision of schools.

SECTION 1. Boards of school trustees and city boards of education are hereby authorized to establish health and development supervision in the public schools of this state, and to employ an examining staff and other employees necessary to carry on said work and to fix the compensation for the same. Whenever practicable the examining staff for health and development supervision in the public schools of the state shall consist of both educators and physicians.

Purposes of supervision.

SEC. 2. The purposes of health and development supervision in the public schools of the state are hereby defined as follows:

1. To secure the correction of developmental and acquired defects of both pupils and teachers which interfere with health, growth and efficiency, by complete physical examination. Said examinations shall occur annually or as often as may be determined by the board of school trustees or city board of education.

2. To adjust school activities to health and growth needs and to development processes and to attend to all matters pertaining to school hygiene.

3. To bring about a special study of mental retardation and deviation of pupils in the public schools.

Examining staff, qualifications of.

SEC. 3. The requirements for certification of members of the examining staff for health and development supervision in the public schools of the state shall be as follows:

For educators: A life diploma of California of the high school or grammar school grade and a health and development certificate which shall authorize the holder of such certificate

to conduct the work authorized by this act, in those grades specified by the life diploma held.

For physicians: A California certificate to practice medicine and surgery and a health and development certificate.

SEC. 4. County or city and county boards of education are hereby authorized to grant health and development certificates to holders of life diplomas of California of the high school or grammar school grade or to holders of California certificates to practice medicine and surgery who shall present with such life diplomas or with such certificates to practice medicine and surgery a recommendation from the state board of education certifying special fitness for the work specified in this act.

Certificates, granting of.

CHAPTER 599.

An act to amend section 618 of the Political Code as to deposits required of insurance companies organized under the laws of this state.

[Approved April 15, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 618 of the Political Code is hereby amended so as to read as follows:

618. Whenever the laws of any state of the United States, or of any country foreign to the United States, require any insurance company organized under the laws of this state, to deposit with some officer of this state securities in trust for, and for the benefit of, the policy holders of such company, as a prerequisite to transacting insurance business in such other state or foreign country, and whenever under any laws of this state any insurance company is required to deposit with any officer of this state securities in trust for, and for the benefit of policy holders of such company, the insurance commissioner of this state must receive from such company securities in the amount required by the law under which such deposit is made on deposit and in trust for the policy holders of such company. None of such securities so deposited must be estimated above the par value of the same, nor above their market value. The insurance commissioner must, upon the receipt of such securities, forthwith make a special deposit of the same in the state treasury, in packages marked with the name of the company from whom received, where they must remain as security for policy holders in the company to whom they respectively belong; but so long as the company continues solvent he must permit it to collect the interest or dividends on the securities so deposited, and from time to time to withdraw any such securities on depositing other securities in the stead of those to be

When laws of other states require trust deposits.

Duty of commissioner.

withdrawn. Such new securities to be of the same value and character mentioned in this section, but such securities must not be withdrawn from the state treasury unless upon the written order of the company making the deposits, which order must be indorsed by the commissioner, or upon the order and authority of some court of competent jurisdiction. If the deposit is of mortgages, it shall be accompanied by full abstracts of title or policies of title insurance or certificates of title issued by a duly organized title insurance company authorized to transact business under the laws of California, and the fees for examination of title, unless accompanied by such certificates of title or policies of title insurance, and the fees for appraisal of property shall be paid by the company making the deposit. If the deposit is of stocks or bonds, it shall be accompanied by the fees necessary for the appraisal thereof.

CHAPTER 600.

An act to amend section 594a of the Political Code as to deposits of insurance companies not organized under the laws of this state.

[Approved April 15, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 594a of the Political Code is hereby amended so as to read as follows:

Foreign
com-
panies,
deposit of
securities.

594a. No insurance company organized or existing under the laws of any country outside of the United States shall transact any business of insurance in the State of California without first making deposit, and thereafter continuously maintaining such deposit except as hereinafter otherwise specially provided, so long as any such business transacted in this state remains in existence for any purpose whatever, either unmaturred or matured but unsettled, and whether in controversy or not. Such deposit must be of securities which the law of California permits for the investment of the assets of such California insurance companies. Such deposits may be with the insurance commissioner or superintendent of insurance, or with the auditor, comptroller or general fiscal officer of any state in the United States in which said foreign company is authorized to do such insurance business, or a like amount held in trust for the purposes herein specified as provided for by the laws of that state.

Amount of
deposit.

The amount of the deposit must be equal to the minimum amount of the capital stock or available cash assets required by the preceding section and must be maintained exclusive of all liabilities for losses reported, expenses, taxes and reinsur-

ance of all outstanding risks, as provided in sections 602 and 602a of the Political Code. Such deposits, for all purposes of the insurance laws of this state may be treated as a part of the capital of the company making it.

If such deposit is not so maintained in the State of California, its existence in some other state of the United States shall be certified at least annually to the insurance commissioner of the State of California by the superintendent of insurance or commissioner of insurance or auditor, or comptroller, or general fiscal officer of the state in the United States wherein such deposit is so maintained, and also so certified oftener and whenever from time to time required by the insurance commissioner of the State of California, and such certificate shall show in detail of what such deposit consists.

Deposits
in other
states
must be
certified.

None of such securities so deposited shall be estimated above the par value of the same nor above the market value. Such deposits must be for the benefit and security of all the policy holders of the company in the United States. Such securities so deposited with the insurance commissioner of the State of California shall be by him specially deposited in the state treasury in packages marked with the name of the company from whom received, and so long as the company continues solvent it shall be permitted to collect the interest or dividends on the securities so deposited, and from time to time to withdraw such securities on depositing other securities in the stead of those to be withdrawn, such new securities to be of the character and value specified in this section, but none of such securities shall be withdrawn from the state treasury except upon the written order of the company making the deposit, which order must be indorsed by the insurance commissioner of the State of California or else such withdrawal must be had under the authority of some court of competent jurisdiction, which must be obtained if the insurance commissioner for any reason refuses to so indorse said order. Whenever such deposit has been made with the insurance commissioner of the State of California as provided in this section, said commissioner must issue to the company so depositing, a certificate under his official seal stating the items and amount of securities so deposited, and their value, to the best of his knowledge, information and belief, and in case of withdrawal and substitution, he shall issue suitable supplemental similar certificate. None of the provisions of this section shall affect the present statutes of California, either as to registered policies, or under what is known as the retaliatory law, or otherwise, either as to papers, bonds, or other securities.

Deposit of
securities
in state
treasury.

Certificate
of deposit.

CHAPTER 601.

An act to amend an act entitled "An act to provide for the organization and management of county fire insurance companies," approved April 1, 1897. and acts amendatory thereof, by amending sections 10 and 11 thereof.

[Approved April 15, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section ten of an act entitled "An act to provide for the organization and management of county fire insurance companies," is hereby amended to read as follows:

Limitations upon risks taken.

Section 10. No such company shall insure any property beyond the limits of the county wherein the said company is organized except that a company may insure in any county next adjoining the county wherein such company is organized where no mutual company exists or is organized therein, and as soon as a mutual company shall be organized therein said company first insuring and with its original place of business in the adjoining county, shall as soon as its policies originally issued expire, or shall be canceled, retire therefrom. Nor shall any company issue policies of insurance on any property within the limits of any city containing over six thousand inhabitants at the time of the organization of such company; *provided*, that no dwelling shall be insured within the corporate limits of any city or town exposed by any other building within one hundred feet, or by any other risk (other than a dwelling or private barn, the property of the same insured) within two hundred feet of the risk assumed; *provided*, that the amount of insurance shall not exceed seventy-five per cent of the value of the property, and that no additional insurance shall be allowed.

SEC. 2. Section eleven of an act entitled "An act to provide for the organization and management of county fire insurance companies," is hereby amended to read as follows:

Adjustment of losses.

Section 11. Every member of such company who may sustain loss or damage by fire shall immediately notify the president, or in his absence, the secretary thereof, stating the amount of damage or loss sustained or claimed, and if not more than fifteen hundred dollars, then the president and secretary shall proceed to ascertain the amount of such loss or damage and adjust the same. If the claim for damage or loss be for an amount greater than fifteen hundred dollars, then the president of such company, or in his absence, the vice-president, or in the absence of both, the secretary thereof, shall forthwith convene the board of directors of such company, whose duty it shall be when convened, to appoint a committee, of not less than three disinterested members of said company, to ascertain the amount of such damage or loss. If in either case there is a failure of the parties to agree upon the amount

Arbitration.

of such damage or loss they may submit the question of the amount of such loss to arbitration, and in that event the president of the company shall appoint one disinterested person to act as an arbitrator, and the claimant or insured shall appoint another, and if such two arbitrators fail to agree upon the amount of such loss, then they shall select a third disinterested person to act with them, and such arbitrators so appointed shall have full authority to examine witnesses and to do all other things necessary to the proper determination of the amount of loss sustained by the claimant, and shall make their award in writing to the president of the company, and to the insured, and such award so as aforesaid made, shall be final as to the amount of the loss sustained. The pay of said committee shall be three dollars per day for each day's services so rendered, and five cents for each mile necessarily traveled in the discharge of their duties, which shall be paid by the claimant unless the award of such committee shall exceed the sum offered by the company in liquidation of such loss or damage, in which case such expense shall be paid by the company.

Arbitration.

CHAPTER 602.

An act to repeal section 600a of the Political Code, and to reenact same as section 603a of the Political Code.

[Approved April 15, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be known as and to read as follows:

603a. If any insurance company (whose certificate of authority has been revoked by the insurance commissioner on the ground that such company is insolvent) within ninety days after the receipt of the notice of revocation, shall repair its capital to such an extent that such company is solvent within the provisions of section six hundred and two (602) of the Political Code, then upon such fact being made to appear to the insurance commissioner, he may issue a new certificate of authority in the same manner and to the same effect as an original certificate of authority.

Restoration of authority after revocation.

SEC. 2. Section 600a of the Political Code is hereby repealed.

Repeal of Sec. 600a, Political Code.

SEC. 3. Nothing herein contained shall affect any rights acquired under said section 600a, but all such rights shall be preserved under the provisions of said section 603a.

CHAPTER 603.

An act to amend section twenty-five hundred and forty-one of the Civil Code of the State of California relating to assignment to mortgagee of thing insured.

[Approved April 15, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section twenty-five hundred and forty-one of the Civil Code of the State of California is hereby amended to read as follows:

Interest of
mortgagor.

2541. Unless the policy otherwise provides, where a mortgagor of property effects insurance in his own name providing that the loss shall be payable to the mortgagee, or assigns a policy of insurance to a mortgagee, the insurance is deemed to be upon the interest of the mortgagor, who does not cease to be a party to the original contract, and any act of his, prior to the loss, which would otherwise avoid the insurance will have the same effect, although the property is in the hands of the mortgagee, but any act which, under the contract of insurance, is to be performed by the mortgagor, may be performed by the mortgagee therein named, with the same effect as if it had been performed by the mortgagor.

SEC. 2. This act shall take effect immediately.

CHAPTER 604.

An act to amend section twenty-seven hundred and fifty-six of the Civil Code of the State of California relating to measure of indemnity.

[Approved April 15, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section twenty-seven hundred and fifty-six of the Civil Code of the State of California is hereby amended to read as follows:

Measure of
indem-
nity.

2756. If there is no valuation in the policy, the measure of indemnity in an insurance against fire is the expense it would be to the insured at the time of the commencement of the fire to replace the thing lost or injured in the condition in which it was at the time of the injury; but the effect of a valuation in a policy of fire insurance is the same as in a policy of marine insurance.

SEC. 2. This act shall take effect immediately.

CHAPTER 605.

An act to amend section 602 of the Political Code as to what constitutes insolvency of an insurance company.

[Approved April 15, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 602 of the Political Code is hereby amended so as to read as follows:

602. Whenever provisions for the liabilities of any company engaged in the business of fire, marine, or inland navigation insurance in this state, for losses reported, expenses, taxes and reinsurance of all outstanding risks, estimated at fifty per cent of the premiums received and receivable on all fire risks and marine time risks, at the full premiums received and receivable on all other marine risks, would so far impair its capital paid in as to reduce the same below two hundred thousand dollars, or below seventy-five per cent of said capital paid in, such company is insolvent; and in case of a company engaged in such insurance in this state, on the mutual plan, if the available cash assets of such company shall not exceed its liabilities, as hereinbefore enumerated, in the full sum of two hundred thousand dollars, such company is insolvent; and wherever provision for the liabilities of any company engaged in the business of insuring any one against loss or damage resulting from accident to or injury suffered by an employee or other person for which the person insured may be liable, for losses reported, expenses, taxes, and reinsurance of all outstanding risks estimated as provided in section six hundred and two of the Political Code would so far impair its capital paid in as to reduce the same below one hundred thousand dollars or below seventy-five per cent of said capital paid in, such company is insolvent; and whenever provision for the liabilities of any company engaged in any kind of insurance business in this state, other than life, liability, and insurance of titles to real estate, provided for in section five hundred and ninety-four of the Political Code of this state, for losses reported, expenses, taxes, and reinsurance of all outstanding risks, estimated at such rates as are accepted by the insurance authorities of the state of New York, would so far impair its capital paid in as to reduce the same below one hundred thousand dollars, or below seventy-five per cent of said capital stock paid in, such company is insolvent; and in case of a company engaged in such insurance business in this state, on the mutual plan, if its available cash assets shall not exceed its liabilities, as hereinbefore enumerated, in the full sum of one hundred thousand dollars, such company is insolvent. In the case of a company engaged in the business of life insurance, whenever its liabilities for losses reported, expenses, taxes, and

What constitutes Insolvency.

What constitutes insolvency.

reinsurance of all its outstanding risks written prior to January 1st, eighteen hundred and ninety-two, at the rates based upon the American Experience Table of Mortality with interest at the rate of four and one half per cent per annum, and reinsurance of all its outstanding risks written from and after the thirty-first day of December, eighteen hundred and ninety-one, up to and including the thirty-first day of December, nineteen hundred and seven, at rates based upon the combined experience or actuaries table of mortality with interest at the rate of four per cent per annum, and reinsurance of all its outstanding risks written from and after December thirty-first, nineteen hundred and seven, at rates based upon the American Experience Table of Mortality with interest at the rate of three and one half per cent per annum, exceeds its assets such company is insolvent. In the case of a company engaged in the business of insurance of the title to real estate, whenever provision for its liability for losses reported, expenses, and taxes, would, after exhausting its surplus fund required by section four hundred and thirty-two of the Civil Code, or otherwise, so far impair its capital stock paid in as to reduce the same below one hundred thousand dollars, or below seventy-five per cent of said capital paid in, such company is insolvent.

The provisions of this act shall not apply to life or fire insurance associations operating on the assessment plan or on the fraternal plan.

CHAPTER 606.

An act to amend section 604 of the Political Code, as to proceedings concerning insolvent insurance corporations.

[Approved April 15, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 604 of the Political Code is hereby amended so as to read as follows:

Insolvent companies must be reported to attorney general.

604. When the insurance commissioner ascertains that any insurance corporation organized under the laws of this state is insolvent he must certify such fact to the attorney general. Upon receipt of such certificate so made by the insurance commissioner, the attorney general must commence an action against such company under the provisions of chapter V, title X, part II of the Code of Civil Procedure. If on the trial of any such action it appears to the court that such company is insolvent, before causing judgment to be entered, the court may direct the corporation and the officers thereof to levy an assessment on the capital stock sufficient to enable the defendant

corporation to pay its debts and in such order shall give full directions as to the manner of levying such assessment and the amount thereof, and such assessment must be levied before judgment is entered. In all other respects the relief awarded against the defendant company shall be the same as provided in said chapter five of the Code of Civil Procedure. Any receiver thereafter appointed to liquidate the affairs of such company, shall have full power to bring such actions as may be necessary for the purpose of recovering the amounts of the assessments levied as herein provided. In any action commenced pursuant to the provisions of this section the court shall have power to authorize the defendant insurance company, or the receiver appointed to liquidate the affairs of such company, to reinsure all or any part of the business theretofore written by such company.

Power of receiver.

CHAPTER 607.

An act to amend section 605 of the Political Code as to filing fees in the insurance commissioner's office.

[Approved April 15, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 605 of the Political Code is hereby amended so as to read as follows:

605. The commissioner must require in advance, in United States gold coin, the following fees: (1) For filing papers required under either of subdivisions two or three or four of section 607 of the Political Code, fifty-five dollars; (2) for filing papers required under subdivision five of section 607 of the Political Code on account of change or changes made at one time, ten dollars; (3) for filing annual statement required to be filed, twenty dollars; (4) for filing bond under section 623 of the Political Code, five dollars; (5) for filing appointment of agent or stipulation or both appointment and stipulation under section 616 of the Political Code, five dollars; (6) for filing each certificate of deposit of securities under section 594a of the Political Code, five dollars; (7) for furnishing copies of papers filed in his office, twenty cents per folio; (8) for certifying copies, one dollar each; (9) for each certificate issued, as provided in section 619 of the Political Code, five dollars; (10) for registering each policy as provided by section 634 of the Political Code, one dollar; (11) for issuing each annual certificate of authority authorizing any insurance company to transact business in this state, ten dollars; (12) for issuing each annual license under section 633 of the Political Code to an agent or solicitor, one dollar;

Fees of commissioner.

(13) for issuing each annual license under section 633a of the Political Code to an insurance broker, ten dollars; (14) for attaching the seal of office to any paper or document not herein specified, one dollar; (15) for issuing any other certificate, two dollars.

CHAPTER 608.

An act to add four new sections to the Political Code of the State of California relating to preparing a state budget.

[Approved April 15, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Four new sections are hereby added to the Political Code, to be numbered sections 241, 242, 243, and 244, and to read as follows:

Form for
statement
of money
required
by state
depart-
ments.

241. Not less than forty days before the beginning of each regular session of the legislature the controller of state shall send to the head of each administrative department of the state government and to each board or commission in charge of any educational, charitable, penal or other institution supported wholly or in part by appropriation from the state treasury, a blank form, to be filled out by such head of department, board or commission with an itemized statement of the amounts of money which, in the opinion of such head of department, board, or commission, will be required for the proper support, maintenance, extension or improvement of the department or institution in his or their charge during the two fiscal years next ensuing. The officers, boards and commissions receiving such blank forms shall return them, properly filled out and accompanied by such brief explanatory statements as they may deem proper, to the controller not less than fifteen days before the opening of the regular session of the legislature.

Form for
members
of legisla-
ture.

242. The controller of state shall, in similar manner, send a blank form to each senator and each member-elect of the legislature, and such senator or member-elect shall in like manner return to the controller these blanks with entries showing the appropriations which such senator or member-elect intends to propose to the legislature.

Claims
against
the state,
statements
to be filed.

243. Any person having a claim against the state, which requires action by the legislature, shall file with the controller a statement of the amount of such claim, together with a brief statement of the facts upon which it is based, not less than twenty days before the opening of the regular session of the legislature.

Controller
to report
amounts
requested.

244. Within ten days after the opening of each regular session the controller shall furnish to the governor and to each member of the legislature a tabulated account of the

various amounts requested in the statements returned to him in accordance with sections 241 and 242, and a list of the private claims filed under section 243. Such account shall show the several amounts asked for, the total for each department or institution, the grand total, and a brief description of the purpose for each proposed appropriation.

CHAPTER 609.

An act to amend section thirty-six hundred and seventeen of the Political Code of the State of California, relating to the definition of terms and words.

[Approved April 15, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section thirty-six hundred and seventeen of the Political Code of the State of California is hereby amended to read as follows:

3617. Whenever the terms mentioned in this section are employed in this act, they are employed in the senses hereafter affixed to them: Definition of certain terms and words.

First. The term "property" includes moneys, credits, bonds (except railroad or quasi-public corporations), stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership. Property.

Second. The term "real estate" includes: Real estate.

1. The possession of, claim to, ownership of, or right to the possession of land.

2. All mines, minerals, and quarries in and under the land, all timber belonging to individuals or corporations, growing or being on the lands of the United States, and all rights and privileges appertaining thereto.

3. A mortgage, deed of trust, contract or other obligation by which a debt is secured, when land is pledged for the payment and discharge thereof, shall, for the purpose of assessment and taxation, be deemed and treated as an interest in the land so pledged.

4. Improvements.

Third. The term "improvements" includes: Improvements.

1. All buildings, structures, fixtures, fences and improvements erected upon or affixed to the land, except telephone and telegraph lines.

2. All fruit, nut-bearing, or ornamental trees and vines, not of natural growth, excepting fruit and nut-bearing trees under four years of age, and grapevines under three years of age.

3. Alfalfa, after the first year's planting.

Personal
property.

Fourth. The term "personal property" includes everything which is the subject of ownership, not included within the meaning of the term "real estate" or "improvements."

Value.

Fifth. The term "value" and "full cash value" mean the amount at which the property would be taken in payment of a just debt from a solvent debtor.

Credits.

Sixth. The term "credits" means those solvent debts, not secured by mortgage or trust deed, owing to the person, firm, corporation, or association assessed. The term "debt" means those unsecured liabilities owing by the person, firm, corporation, or association assessed to bona fide residents of this state, or firms, associations or corporations doing business therein; but credits, claims, debts, and demands due, owing or accruing for or on account of money deposited with savings and loan corporations or with building and loan associations, shall, for the purpose of taxation be deemed and treated as an interest in the property of such corporation, and shall not be assessed to the creditor or owner thereof.

CHAPTER 610.

An act to legalize, confirm, and validate tax deeds made to the state of California for delinquent taxes, and deeds made to purchasers of property sold under and in pursuance of the provisions of sections three thousand eight hundred and ninety-seven and three thousand eight hundred and ninety-eight of the Political Code.

[Approved April 15, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Validating
tax deeds.

SECTION 1. That all deeds to the State of California based upon delinquent tax sales since the year 1894, and where the five years allowed by law for redemption of the property had expired, and which said deeds were not executed within the time prescribed by any law of this state, and all deeds to purchasers of property made by tax collectors under and in pursuance of the provisions of sections three thousand eight hundred and ninety-seven and three thousand eight hundred and ninety-eight of the Political Code, wherein the notice of sale was mailed but not registered as required by law, be, and such deeds hereby are, legalized, confirmed, and validated, and the same shall be construed and operate at all times and upon all occasions in law in the same manner as if such matters and things had been properly performed in the first instance.

Deeds in
litigation.

SEC. 2. This act shall not apply to any tax deed which was or is in litigation at the time this act takes effect.

CHAPTER 611.

An act to amend section three thousand six hundred and ninety-six of the Political Code, relating to the levy of taxes.

[Approved April 15, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section three thousand six hundred and ninety-six of the Political Code is hereby amended so as to read as follows:

3696. Between the first and second Mondays in September of each year, the board must determine the rate of state tax to be levied and collected upon the assessed valuation of the property of the state, which, after allowing five per cent for delinquencies in collection of taxes, must be sufficient to raise the specific amount of revenue directed to be raised by the legislature for state purposes. The board must immediately thereafter transmit to the board of supervisors and county auditor of each county a statement of such rate, and upon its receipt the clerk of said board, and county auditor, must each, in writing, notify the state board of equalization thereof.

State tax
levy.

Notifica-
tion to
county
officers.

SEC. 2. This act shall take effect immediately.

CHAPTER 612.

An act to amend section 3785 of the Political Code relating to the issuance of tax deeds for property sold for delinquent taxes.

[Approved April 15, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3785 of the Political Code relating to the issuance of tax deeds for property sold for delinquent taxes is hereby amended so as to read as follows:

3785. If the property is not redeemed within five years from the date of the sale to the state, the tax collector, or his successor in office, must make the state a deed of the property, reciting in such deed the name of the person assessed (when known), the date of sale, a description of the land sold; the amount for which it was sold, that it was sold for delinquent taxes, giving the assessed value and the year of assessment, the time when the right of redemption had expired, and that no person has redeemed the property in the time allowed by law

Tax
collector
to make
deeds to
state.

for its redemption. No charge shall be made by the tax collector for the making of any such deed, and the acknowledgment of all such deeds shall be taken by the county clerk free of charge.

Recording.

All such deeds shall be recorded in the office of the county recorder of the county wherein the property sold is situated, and said recorder shall make no charge therefor; *provided*, that in counties where the county recorders are paid no salaries, but fees only, such recorders shall receive for filing, recording, and indexing each deed, the sum of seventy-five cents, payable out of the county treasury in the same manner that other claims are paid. The state controller shall provide uniform blank deeds, upon which all conveyances to the state under the provisions of this section shall be made. All such deeds, after being duly recorded, as herein provided, shall be forwarded by the county recorder to the controller. The controller shall record such deeds at length in a book to be provided for that purpose, in which book a marginal space shall be left to show the subsequent disposition of the property by the state; *provided, however*, that when state lands have been sold to the state upon which the full purchase price has not been paid, the deeds to the state, after being duly recorded as herein provided, shall be forwarded by the county recorder to the surveyor general and remain on file in his office, and the state shall dispose of such lands in the manner provided in section three thousand seven hundred and eighty-eight; *provided, however*, that in all cases where land has been heretofore sold for delinquent taxes to purchasers other than the State of California, the deed therefor must have been made within the time allowed under the provisions of that certain act entitled "An act to amend section thirty-seven hundred and eighty-five of the Political Code of the State of California, relating to the issuance of tax deeds," approved March 23, 1907, and unless the deed has been so made, the purchaser shall be deemed to have relinquished all his rights under such sale.

Controller
to furnish
deeds.

Deeds for
"state"
lands.

SEC. 2. All acts or parts of acts in conflict with this act, are hereby repealed.

CHAPTER 613.

An act to amend 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, by amending sections 2, 6, 7, 8 and 9, in relation to the issuing of bonds, and by amending section 11, thereof, in relation to gifts and donations, and by amending section 12 thereof in relation to reconstruction of county roads and public highways within boulevard districts.

[Approved April 15, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Any portion of a county not contained in a boulevard district may be formed into a boulevard district under the provisions of this act, and when so formed shall be known and designated by the name and style of boulevard district (using the name of the district), of county (using the name of the county in which said district is located), and shall have the rights herein enumerated and such as may be hereafter conferred by law.

Boulevard
districts,
formation
of.

SEC. 2. A petition for the formation of such boulevard district (naming it) may be presented to the board of supervisors of the county wherein the district is proposed to be formed, which said petition shall be signed by not less than twenty-five freeholders, resident within the proposed district, and shall contain:

Petition
for, to con-
tain what.

(1) The boundaries of the proposed district.

(2) The number of acres contained therein and the approximate value thereof and of the improvements thereon.

(3) A particular description of the boulevard which it is desired to lay out, open and construct.

(4) A request that an election be called within said district for the purpose of determining the question of formation of said boulevard district and the building of the boulevard described in said petition. Whether the amount to be raised be by taxation on taxable property within said district or by the issuance of bonds on the taxable property therein. Such petition must also be accompanied by a map showing the location of said boulevard and of said district, with relation to the territory immediately contiguous thereto; also with a cross-section and profile of said proposed boulevard, together with specifications for the construction thereof, which said map shall be approved as to location of the boulevard and said cross-section, profile and specifications, as to manner of construction, by the county surveyor, of the county in which said proposed district is located, who shall also furnish an estimate of the cost of acquiring the right of way therefor and constructing

said boulevard. There shall also be filed with said board of supervisors, at the time said petition is presented, a bond in the sum of not more than three hundred dollars, with two sufficient sureties, to be approved by said board, who shall each qualify in double the amount of the penal sum thereof conditioned that they will pay the expense and cost of said election in an amount not exceeding the amount mentioned in said bond, as the penal sum thereof, in case such election shall fail to carry.

Notice of hearing petition.

SEC. 3. Such petition must be presented at a regular meeting of said board of supervisors and they shall thereupon fix a time for hearing said petition, not less than twenty-one nor more than thirty days after the date of presentation thereof, and shall publish a notice of the fact that such petition has been filed (referring to the same on file with the clerk of the board of supervisors for further particulars) and giving the date and hour at which said petition will be heard, which said notice shall be published at least once a week for two consecutive weeks in some newspaper published and circulated in said proposed district; *provided*, that if no newspaper be so published in said district, then said notice shall be so published in some newspaper published and circulated in the county in which said proposed district is located.

Hearing.

SEC. 4. Upon the day named for the hearing of said petition, the board of supervisors shall hear the same and may adjourn such hearing from time to time, not more than two weeks in all. On the final hearing they shall make such changes in the proposed boundaries as they may find to be proper, and shall define and establish such boundaries. Any change made by the board of supervisors shall not include any territory outside of the boundaries described in the petition until the board has given at least two weeks' notice of its intention to include such territory in said district, said notice to be given and published as herein provided for the notice of the hearing of said petition.

Boundaries of district.

SEC. 5. The boundaries established by the board of supervisors shall be the boundaries of such boulevard district until the same shall be changed in the manner provided by law. But, if it shall appear to the board that the boundaries of any such division have been incorrectly described, it shall direct the county surveyor to ascertain and report the correct description of the boundaries, in conformity with the orders of said board of supervisors, which said report must be filed within thirty days from the day of making such order. At the first regular meeting after the filing of said report, the board of supervisors shall ratify the same, with such modifications as they deem necessary, and the boundaries so established shall be the legal boundaries of such boulevard district.

Notice of election to determine if district shall be formed.

SEC. 6. The board of supervisors thereupon and not later than the first regular meeting after the establishment of said boundaries, as hereinbefore provided, shall give notice of an election to be held in such proposed boulevard district for the

purpose of determining whether such district shall be formed; whether the amount to be raised be by taxation on taxable property within said district or by the issuance of bonds on the taxable property therein, and if the amount to be raised be by the issuance of bonds, said notice shall specify such amount, and said boulevard built as in said petition, maps, cross-sections, profiles, specifications and estimates described.

SEC. 7. Such notice must specify the time and place or places of holding the election, the amount of money proposed to be raised, and the purposes for which it is to be used, including a brief description of the proposed work and materials to be used, and referring to the map, profiles, cross-sections, specifications and estimates on file with the clerk of the board of supervisors.

What notice shall specify.

SEC. 8. For the purposes of this election the board of supervisors shall establish, by order, one or more precincts within the boundaries of said district, and appoint one inspector, one judge and one clerk for each, to conduct the same, and said election must be held in all respects as near as practicable in conformity with the general election laws of the state. At such election the ballots shall contain the words "For the formation of said district and the construction of said boulevard—yes, no," together with a square at the right of the word "Yes" and at the right of the word "No" in which the voter may stamp his ballot to indicate his choice. At such election if the petition request that the money be raised by the issuance of bonds, the ballots shall contain in addition to the above the words "For the issuance ofdollars bonds—Yes," (or) "For the issuance ofdollars bonds—No," together with a square at the right of the words "For the issuance ofdollars bonds—Yes," and at the right of the words "For the issuance ofdollars bonds—No," in which the voter may stamp his ballot to indicate his choice. But no particular form of ballot other than above set forth need be used; nor shall any informality in conducting said election invalidate the same if the election shall have been otherwise fairly conducted.

Conduct of election.

Ballots.

SEC. 9. The officers of the election must certify the result of the election to the board of supervisors, giving the whole number of votes cast, the number for and the number against the formation of said boulevard district and the building of said boulevard; the number for and the number against the issuance of bonds. If the majority of the votes cast are in favor of the same, the board of supervisors must enter an order to that effect upon its minutes, declaring said district formed and that said boulevard shall be built, and the amount to be raised by taxation or by bonds on the taxable property within said district, which said amount shall be in the aggregate not exceeding seventy-five per cent of the estimated cost of acquiring the right of way therefor and constructing said boulevard, as found in the estimates to be furnished by the county surveyor of said county; the balance, twenty-five per cent, to be

Certificate of result.

paid out of the general road fund of the county; and the board of supervisors shall, if bonds are not voted, at the time of fixing the amount of the county tax levy, levy a tax upon the taxable property of said district sufficient to pay said amount.

Bonds,
issue of.

If at such election the majority of the votes cast are in favor of the issuance of bonds, then the board of supervisors shall cause an entry of that fact to be made upon the minutes and thereupon they shall be authorized and empowered to issue the bonds of said district for the number and amount provided for in such proceedings, payable out of the funds of such district and that the money shall be raised by taxation upon the property in said district for the redemption of said bonds and the payment of interest thereon in like manner as prescribed in the Political Code for the redemption and payment of interest on public school bonds.

The board of supervisors by an order entered upon the minutes shall prescribe the form of said bonds and of the interest coupons attached thereto, and shall fix the time when the several bonds shall become due, not exceeding twenty years from the date thereof.

Rate of
interest.

Such bonds shall bear no greater rate of interest than seven per cent per annum, and the interest shall be payable annually by the county treasurer. The bonds and each coupon shall bear the autograph or facsimile printed signature of the chairman of the board and of the county clerk. Said bonds shall be sold by the county treasurer, after reasonable notice, to the highest and best bidder, and for not less than par and accrued interest, if any.

Work to be
done by
contract.

SEC. 10. The work provided for in this act to be done shall be by law contracted to the lowest responsible bidder, in accord with the provisions of section 2643 of the Political Code of California. The successful bidder shall give a bond in such sum as the board of supervisors shall provide, conditioned for the faithful performance of the contract, together with any and all bonds required by law for public work. The work done under said contract to be performed under the direction and to the satisfaction of the surveyor of the county in which said boulevard district is located.

Surplus
moneys,
disposi-
tion of.

SEC. 11. Any money remaining to the credit of the boulevard district on completion of the work contracted for, with any and all gifts and donations thereto, except all gifts and donations expressly given for the purpose and to be used in the original construction of said proposed boulevard, shall remain in the fund of the district and be expended in the betterment of said boulevard. The maintenance of the same, after the completion thereof, to be paid out of the general road fund of the county; *provided*, that the board of supervisors of the county in which said boulevard district is located, may, as now or hereafter provided by law, arrange with the department of highways or other lawful authority to turn said boulevard over to the State of California, and it shall thereafter be kept and maintained as a state boulevard out of the funds provided

by law for state highway purposes, but subject at all times nevertheless to the limitations as to the use thereof hereinafter provided.

SEC. 12. Any boulevard constructed under this act may be constructed over, along or upon any county road or public highway, or any part thereof, and the moneys belonging to such boulevard district may be expended in the improvement of such road or highway to conform to the width and general character of the balance of the boulevard.

Boulevard may be over county road.

By the term "boulevard" as used herein is meant a highway of limited dedication and use, not less than one hundred feet in width and upon which no wagon or heavy teaming, having a tire of less than four inches, shall be permitted, and upon, along and over which no franchise for telephone, telegraph or electric wires or poles or for the operation or running of cars or vehicles upon fixed tracks or rails thereon, shall ever be granted; and any easements granted or condemned for the building of said boulevard shall be so granted or condemned; *provided*, that nothing herein shall be deemed to apply to or preventing the granting of such franchise or limiting the use of wagons across said boulevard, on, over and along intersecting streets and highways.

Term "boulevard" defined.

SEC. 13. All provisions of the law of the State of California relating to streets and highways, including the right of eminent domain, save only section 2 of an act of the legislature of the State of California, entitled "An act to repeal chapter II of title VI, part III. of an act of the legislature of the State of California, entitled 'An act to establish a Political Code,' approved March 12, 1872, and each and every section of said chapter two. And to enact a new chapter two of title VI, of part III. of said code, and substitute the same in place of said repealed chapter two in said code, relating to roads and highways," approved February 28, 1883, and also an act of the legislature of the State of California entitled "An act for the establishment of a uniform system of road government and administration in the counties of the State of California," approved April 1, 1897, not in conflict herewith, are hereby made applicable to the opening, laying out and maintaining of boulevards constructed hereunder and the acquiring of rights of way therefor.

Eminent domain.

SEC. 14. The board of supervisors of the county in which said boulevard district is located shall have sole control of the management and affairs of said boulevard district.

Management of district.

CHAPTER 614.

An act to amend section 594 of the Political Code classifying insurance business and specifying required capital stock and available cash assets.

[Approved April 15, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 594 of the Political Code is hereby amended so as to read as follows:

Insurance
classified.

594. All insurance business in the State of California is hereby classified in the fourteen kinds as follows:

Life.

First. Life insurance business, including endowments and annuities, but not including health or accident or sickness insurance or any casualty insurance as hereinafter provided.

Fire.

Second. Fire insurance, but not including any marine insurance, nor any inland navigation insurance, nor any casualty insurance as hereinafter provided.

Marine.

Third. Marine insurance, including ocean and inland risks, transportation and automobiles, but not including any other casualty insurance as hereinafter provided.

Title.

Fourth. Title insurance, including insuring owners of real or personal property, or others interested therein, against loss by encumbrance, or defective titles, or adverse claim to title, either together with or without examination of title, or furnishing information relative thereto.

Surety.

Fifth. Fidelity and surety insurance, including the guaranteeing of persons holding places of public or private trust and guaranteeing the performance of contracts other than insurance policies and guaranteeing and executing all bonds, undertakings and contracts of suretyship.

Accident.

Sixth. Accident insurance, and either sickness or health insurance, including insurance against injury, disablement or death resulting from traveling or general accident, and against disablement resulting from sickness, and every insurance appertaining thereto.

Plateglass.

Seventh. Plate glass insurance, including all insurance against breakage of glass, whether local or in transit.

Liability.

Eighth. Liability insurance, including all insurance against loss or damage resulting from accident to or injury, fatal or non-fatal, suffered by an employee or other person for and which the insured is liable.

Boiler.

Ninth. Boiler and machinery insurance, including insurance upon steam boiler, and upon pipes, engines, and machinery connected therewith and operated thereby, against explosion and accident, and against loss or damage to life, person or property, resulting therefrom.

Burglary.

Tenth. Burglary insurance, including insurance against loss by burglary, house breaking or theft.

Eleventh. Credit insurance, including insurance or guarantee either by agreement to purchase uncollectible debts or otherwise, to insure against loss or damage from the failure of persons indebted or to become indebted to the insured or to meet existing or contemplated liabilities. Credit.

Twelfth. Sprinkler insurance, including insurance against loss or damage by water to any goods or premises arising from the breakage or leakage of sprinklers or water pipes. Sprinkler.

Thirteenth. Team and vehicle insurance including insurance against loss or legal liability for loss because of damage to property caused by the use of teams or vehicles whether by accident or collision or by explosion of any engine or tank or boiler or pipe or tire of any vehicle and also including insurance against theft of the whole or any part of any vehicle; the term vehicle as here used includes elevators and automobiles and bicycles but does not include ships nor vessels nor boats nor any railroad rolling stock. Team and vehicle.

Fourteenth. Miscellaneous insurance, including any and all casualty insurance not included under any of the foregoing thirteen kinds, and which is a proper subject of insurance. Miscellaneous.

No company having a capital stock shall do in California any of said first kind of insurance without having a capital stock of at least \$200,000.00 nor shall any such company do in California any other of said kinds of insurance except the sixth and eighth, *provided* that any such insurance company desiring to do the kind of insurance embraced within either the sixth or eighth kind must have in addition to such \$200,000.00 of capital stock, at least \$50,000.00 of capital stock and do the kind of insurance embraced within both the sixth and eighth kinds at least the sum of \$100,000.00 capital stock in addition to the said \$200,000.00 of capital stock required to do the first kind of insurance. Life companies, requirements of.

No company having a capital stock shall do in California any of said second kind of insurance without having a capital stock of at least \$200,000.00 nor shall such company do in California any other of such kinds of insurance except the third and thirteenth nor do the third without having in addition to such \$200,000.00 capital stock at least \$200,000.00 capital stock for such third kind of insurance, nor do any of the thirteenth without having in addition to such \$200,000.00 capital stock for the second, nor do any of the thirteenth other than automobile insurance without having in addition to such \$400,000.00 capital stock for the second and third at least \$50,000.00 capital stock for such thirteenth kind of insurance. Fire companies, requirements of.

No company having a capital stock shall do in California any of said third kind of insurance without having a capital stock of at least \$200,000.00 nor shall any such company do in California any other of said kinds of insurance except the second and thirteenth nor do the second without having in addition to such \$200,000.00 capital stock at least \$200,000.00 capital stock for such second kind of insurance nor do any of the thirteenth other than automobile insurance without having in addition to such \$200,000.00 capital stock for the third or Marine companies, requirements of.

in addition to such \$400,000.00 capital stock for the second and third at least \$50,000.00 capital stock for such thirteenth kind of insurance.

Other companies require-
ments and
restrictions of.

No company having a capital stock shall do in California any of the fourth or fifth or sixth or seventh or eighth or ninth or tenth or eleventh or twelfth or thirteenth or fourteenth of said kinds of insurance without having a capital stock of at least \$100,000.00 nor shall any such company do in California any other of said fourth or fifth or sixth or seventh or eighth or ninth or tenth or eleventh or twelfth or thirteenth or fourteenth kinds of insurance without having in addition to such \$100,000.00 capital stock at least \$50,000.00 capital stock for each additional kind of insurance. No company having a capital stock of at least \$200,000.00, and authorized to do in California the thirteenth kind of insurance shall therein do the first or second or third kind of insurance, and must in addition to such capital stock of at least \$200,000.00, have \$50,000.00 of capital stock for each kind of insurance it may do therein other than the said thirteenth kind.

Capital
stock must
be paid up.

Such capital stock required must be fully paid up before the doing of any such business in the State of California except that companies incorporated under the laws of California must have at least twenty-five per cent of their capital stock paid in previous to the issuance of any policies and the residue within twelve months of the filing of the certificate of incorporation.

Must be
exclusive
of
liabilities.

The capital stock required must be exclusive of all liabilities for losses reported, expenses, taxes and re-insurance of all outstanding risks, as provided in sections 602 and 602a of the Political Code.

Cash assets
required.

Every company organized or formed under the laws of any other state or country as a mutual or as a joint stock and mutual company having a capital stock of not less than \$100,000.00 must have in lieu of such capital stock available cash assets of at least \$200,000.00 above all liabilities for losses reported, expenses, taxes, and reinsurance of all outstanding risks as provided in sections 602 and 602a of the Political Code.

Fraternal
associa-
tions.

SEC. 2. The provisions of this act shall not apply to life or fire insurance associations operating on the assessment plan or on the fraternal plan.

CHAPTER 615.

An act to provide for the dedication to public use for street purposes of certain lands of the state normal school at Los Angeles; to prescribe the conditions of such dedication; to authorize and empower the board of trustees of said state normal school to convey said lands to the city of Los Angeles to public use for street purposes; and to authorize and empower said board of trustees to make certain changes, alterations and repairs in the buildings and other improvements upon the lands of said state normal school arising out of such dedication.

[Approved April 15, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The public interest and necessity require that Fifth street, a public street of the city of Los Angeles, be opened and widened from Grand avenue to Flower street, in said city, and for that purpose it is necessary that the real property hereinafter described, owned by the State of California, and being a portion of the lands of the state normal school at said city of Los Angeles, be dedicated to public use for street purposes. Said real property is situate in said city, in the county of Los Angeles, State of California, and is more particularly described as follows: A strip of land of the uniform width of seventeen and one half (17½) feet, and being the northerly seventeen and one half (17½) feet of the state normal school lands at Los Angeles, conveyed by Victor Beaudry to the State of California, by deed recorded in book 80, page 45 of records of deeds, in the office of the county recorder of Los Angeles county.

Dedication
of certain
lands for
street
purposes.

SEC. 2. For the purpose of effecting the dedication of the lands described in section one of this act to public use for street purposes, as in said section provided, the president and secretary of the board of trustees of the said state normal school at Los Angeles, or any one or more of said trustees to be designated by said board, are hereby authorized and empowered to execute to the said city of Los Angeles, a municipal corporation of the State of California, for and on behalf and in the name of the State of California, a deed of conveyance, granting the real property described in section one of this act to the said city of Los Angeles to public use for street purposes only; provided, however, that before the delivery of such deed, and in consideration therefor, the said city of Los Angeles shall pay, or cause to be paid, to said board of trustees, such an amount of money as will, in the judgment of said board of trustees, be sufficient to pay the cost of all such changes, alterations or repairs in the buildings of said normal school, or in other improvements upon said property, as the said board of

Authority
to execute
convey-
ance.

Payment
of
damages.

trustees shall deem necessary, arising out of the dedication of said real property to public use for street purposes as herein provided. Said money so paid shall be applied by said board of trustees as hereinafter provided.

Disposi-
tion of
moneys
thus
acquired.

SEC. 3. The said board of trustees is hereby authorized, empowered and directed, to place all moneys paid to said board, under the provisions of section two of this act, in a special fund to be designated the "normal school repair fund" and to deposit the same in any licensed bank, or corporation, licensed and authorized to do a banking business, and organized under the laws of this state, and having its principal place of business at the said city of Los Angeles. Said board of trustees shall apply the moneys placed in said fund, to the payment of the cost of making the changes, alterations or repairs mentioned in section two of this act, and is hereby authorized, directed and empowered, upon the payment of said moneys, forthwith to cause such changes, alterations or repairs to be made and completed without unnecessary delay. The said board of trustees is hereby authorized, directed and empowered to employ a competent architect to provide plans, specifications and drawings for such changes, alterations or repairs, should they deem the same to be necessary, and to make and enter into any and all contracts required for constructing and completing such work, which said contract or contracts shall be let, to the highest responsible bidder, furnishing security satisfactory to said board, after advertisements for proposals, previously published for five days in a daily newspaper published and circulated in said city of Los Angeles, and designated by said board for that purpose; *provided, however,* that if said board shall deem it to be for the public interest, said board may, at its discretion, and without letting such contract or contracts, purchase such materials and supplies, and employ such laborers, workmen, or other persons as may be necessary for making and completing the changes, alterations or repairs herein mentioned. Said board of trustees shall, from time to time, as presented, examine, audit, allow and pay all demands arising under this act, for any payments on contracts, or for the purchase of materials or supplies, or for the employment of an architect, or mechanics, laborers, or other persons, and for any other expenses connected with or arising out of the work herein mentioned. Any surplus remaining in said fund, after the payment of all demands for making and completing the said changes, alterations or repairs, shall be transferred, by said board, into the fund established by law, for the support and maintenance of said normal school.

Surplus
moneys.

CHAPTER 616.

An act to amend an act entitled: "An act to provide for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes, and their payment by taxation upon the property situated in such reclamation districts," approved March 27, 1895, relating to the issuance of bonds of reclamation districts, and the collection of funds for the payment thereof.

[Approved April 15, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of an act entitled "An act to provide for the issuing of bonds by reclamation districts and the disposal thereof for reclamation and other purposes, and their payment by taxation upon the property situated in such reclamation districts," approved March 27, 1895, is hereby amended to read as follows:

Section 1. Whenever in any reclamation district in this state, now formed or which may hereafter be formed, any assessment has been levied and assessed upon the lands of said district according to the provisions of the Political Code, for the purpose of paying the cost of the reclamation thereof according to the plans thereof; and where in the judgment and opinion of the board of trustees of said district it would be difficult or oppressive for the landowners of said district to pay the same or any unpaid portion thereof in the ordinary way in which such assessments are paid; or where such assessment or unpaid portion thereof could only conveniently and practically be paid by them in such small installments and at such length of interval as would seriously delay the work of reclamation and the completion thereof; the board of trustees of any such district shall so declare by order entered upon the records of said board, and shall thereupon order a special election to be held at some place in said district to be designated by said board of trustees, at which said special election shall be submitted to the owners of land in said district the question whether or not the bonds of said district shall be issued in an amount necessary to construct said works of reclamation, and equal to the amount of said hereinbefore mentioned assessment, which said amount shall be entered by said board of trustees in its records, and stated by them in the order for such special election.

Reclamation district bonds.

Election for.

SEC. 2. Section 8 of an act entitled: "An act to provide for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes, and their payment by taxation upon the property situated in such reclama-

tion districts," approved March 27, 1895, is hereby amended so as to read as follows:

Payment
of bonds.

Section 8. The principal of said bonds and the interest thereon shall be paid by revenue derived as follows: Thirty days before any sum or sums is due or payable on account of the principal or interest or both, of said bonds, the board of trustees of the district shall determine the total amount thereof, and shall immediately by entry on its minutes direct that such an installment of the assessment theretofore declared on the lands of said district and for which the bonds were issued, as may be necessary to pay the same, together with such other indebtedness of the district then due and payable as the board may see fit to include, shall be collected and paid into the county treasury to the credit of said district, in the manner and form now provided by law for the payment of installments of reclamation assessments. Should any default be made in the payment of any such installment hereinbefore provided for, the same may be collected as now provided by law, and all remedies or proceedings now provided by law for the collection of reclamation assessments, or for installments thereof, are hereby made applicable to and available for the collection of the installments herein provided for.

Duty of
county
treasurer.

When such installments of said assessment have been paid in and collected in pursuance of the order herein provided for, the whole of said sums so paid, or such portion thereof as may be necessary for the payment of all interest then due or to become due within the next ensuing six months, or for the payment of any installment of the principal of said bonds then due or to become due within the ensuing six months shall be set apart by the county treasurer from other funds to the credit of the district and shall be used and paid out by him only for the payment of interest on such bonds, or installments of the principal thereof, or any part or portion of either or both, then due or to become due as aforesaid.

SEC. 3. Section 9 of an act entitled: "An act to provide for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes, and their payment by taxation upon the property situated in such reclamation districts," approved March 27, 1895, is hereby amended so as to read as follows:

When dis-
trict is in
different
counties,
payments.

Section 9. Whenever any such reclamation district is situated partly in different counties, any installment or installments of assessment as herein provided for shall be paid as provided by the Political Code for the payment of other installments of reclamation assessments. All sums or taxes or installments thereof which shall be paid to the treasurer of any county other than the treasurer of the county wherein the district was formed, shall immediately be paid by said treasurer upon the order of the board of trustees of the district, to the treasurer of the county wherein the district was formed, who shall place the same to the credit of the district as

hereinabove provided. Said board of trustees must issue said order to said treasurer of any county other than the county in which the district was formed, immediately upon the expiration of twenty days after the payment of said installment of taxes shall have been ordered.

CHAPTER 617.

An act to amend section 637a of the Penal Code of California and to add thereto three new sections to be numbered 637f, 637d, and 637e, all relating to protection of wild birds other than game birds and their nests and eggs.

[Approved April 16, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 637a of the Penal Code of California is hereby amended to read as follows:

637a. Every person in the State of California who shall at any time kill or catch, or have in his possession, living or dead, any wild bird other than a game bird, or who shall purchase, offer or expose for sale, transport or ship within or out of the state, any such wild bird after it has been killed or caught, except as permitted by this act, shall be guilty of a misdemeanor. No part of the plumage, skin or body of any bird protected by this section shall be sold or had in possession for sale, irrespective of whether said bird was captured or killed within or without the state. For the purposes of this act the following only shall be considered game birds: The *Anatidae* commonly known as swans, geese, brant and river and sea ducks; the *Rallidae*, commonly known as rails, coots, mud hens and gallinules; the *Limicolae*, commonly known as shore birds, plover, surf birds, snipe, sandpipers, tattlers, and curlews; the *Gallinae*, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, and quails; and the species of *Columbidae*, known as wild pigeons and doves. All other species of wild birds either resident or migratory shall be considered non-game birds; *provided*, that the English or European house sparrow, the great horned owl, sharp-shinned hawk, Cooper's hawk, duck hawk, butcher bird, bluejay, and housefinch, commonly known as the California linnnet, are not included among the birds protected by this act; *provided further*, that nothing in this section shall prohibit the killing of a meadow lark, robin, or other wild bird by the owner or tenant of any premises where such bird is found destroying berries, fruit or crops growing on such premises, but the birds so killed shall not be shipped or sold; and nothing in this

Protection
of wild
birds.

Game
birds enu-
merated.

act shall prevent a citizen of California from taking or keeping any wild non-game bird as a domestic pet if such bird shall not be sold or offered for sale, or transported out of the state, a permit to keep the same having first been obtained from the state board of fish commissioners.

SEC. 2. A new section is hereby added to the Penal Code, to be numbered 637*f*, to read as follows:

Protection
of nests.

637*f*. Every person who shall within the State of California take or needlessly destroy, or attempt to take or destroy, the nests or eggs of any wild bird protected by this code, or have such nests or eggs in his possession, except as permitted by this code is guilty of a misdemeanor.

SEC. 3. A new section is hereby added to the Penal Code, to be numbered section 637*d*, to read as follows:

Transportation
of non-game
birds.

637*d*. Every person or corporation acting as a common carrier, its officers, agents or servants, who shall ship, carry, take or transport whether within or beyond the confines of the state any resident or migratory non-game bird, except as permitted by this code, shall be guilty of a misdemeanor.

SEC. 4. A new section is hereby added to the Penal Code, to be numbered section 637*e*, and to read as follows:

Certificates
giving
right to
take birds.

637*e*. Section 637*a*, 637*c*, and 637*d* shall not apply to any person holding a certificate giving the right to take birds, their nests or eggs for scientific purposes only, as hereinafter provided. Certificates may be granted by the board of fish commissioners to any properly accredited person permitting the holder thereof to collect birds, their nests or eggs for scientific purposes only. All certificates authorized by this act shall expire on the 31st day of December of the year issued, and shall not be transferable. On proof that the holder of such certificate has killed any bird, or has taken the nest or eggs of any bird for other than strictly scientific purposes his certificate shall become void, the birds, nests or eggs collected under such certificate shall be forfeited, and shall be delivered by the board of fish commissioners to some public museum of natural history in the state, and the holder of the certificate shall be guilty of a misdemeanor.

CHAPTER 618.

An act to amend section seven hundred and sixty-four of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, and March 3, 1905, relating to the powers of boards of trustees of cities of the fifth class.

[Approved April 16, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section seven hundred and sixty-four of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, and as amended March twenty-third, nineteen hundred and one, and March third, nineteen hundred and five, is hereby amended to read as follows:

Government of municipal corporations.

764. The board of trustees of such city shall have power:

Board of trustees, powers of.

1. To pass ordinances not in conflict with the constitution and laws of this state, or of the United States.

2. To purchase, lease, or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city; *provided*, that they shall not have any power to sell or convey any portion of any water front; but may rent such water front for a term not exceeding ten years for the purpose of erecting bath houses thereon.

3. To contract for supplying the said city with water, and gas, and electric lights or other lights for municipal purposes; to purchase, lease, construct or otherwise acquire water works, electric plants, and gas works or plants or any of same, and all machinery, conductors, lands, appliances and all other things needed therefor, and to supply said city with, and to sell to the inhabitants of said city, gas, electric light or other light, and heat, and power; *provided* that no such purchase or lease shall be made unless the question of acquiring such property is submitted to the voters of such city in the same manner as other propositions, at a general or special municipal election, and a majority of the electors, voting at such election shall vote in favor of such proposition.

4. To establish, build and repair bridges; to establish, lay out, alter, keep open, open, improve and repair streets, sidewalks, alleys, squares, and other public highways and places within the city, and to drain, sprinkle, oil, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel and curb the same in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or upon any part thereof;

Board of
trustees,
powers of.

to cause to be planted, set out, and cultivated, shade trees therein; and generally to manage and control all such highways and places.

5. To establish, construct and maintain drains and sewers, and to provide by ordinance for a general system of sewers, and the expense of building and maintaining the same.

6. To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires.

7. To impose and collect from every male inhabitant between the ages of twenty-one and sixty years, an annual street poll tax, not exceeding two dollars, and no other road poll tax shall be collected within the limits of such city; *provided*, that any member of a volunteer fire company in such city shall be exempt from such tax.

8. To impose and collect an annual license, not exceeding two dollars on every dog owned or harbored within the limits of the city.

9. To levy and collect annually a property tax, which shall be apportioned as follows: For the general fund, not exceeding sixty cents on each one hundred dollars; for street fund, not exceeding thirty cents on each one hundred dollars; for school fund, not exceeding twenty-five cents on each one hundred dollars; for sewer fund, not exceeding ten cents on each one hundred dollars. The levy for all purposes for any one year for all purposes to which such funds are applicable shall not exceed one dollar on each one hundred dollars of the assessed value of all real and personal property within such city.

10. To license, for purposes of regulation and revenue, all and every kind of business, including the sale of intoxicating liquors, authorized by law and transacted or carried on in such city, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of licenses upon the same, and to provide for the collection of the same by suit or otherwise.

11. To improve the rivers and streams flowing through such city, or adjoining the same; to widen, straighten, and deepen the channels thereof, and to remove obstructions therefrom; to improve the water front of the city, and to construct and maintain embankments and other works to protect such city from overflow.

12. To erect and maintain buildings for municipal purposes.

13. To permit, under such restrictions as they may deem proper, the laying of railroad tracks and the running of cars drawn by horses, steam, electricity, or other power thereon, and the laying of gas or water pipes in the public streets, and to construct and maintain, and to permit the construction and maintenance of telephone, telegraph and electric light lines therein.

14. In its discretion to divide the city, by ordinance, into a convenient number of wards, not exceeding five, to fix the boundaries thereof, and to change the same from time to time; *provided*, that no change in the boundaries of any ward shall

be made within sixty days next before the date of said general municipal election, nor within twenty months after the same shall have been established or altered. Whenever such city shall be divided into wards, the board of trustees shall designate by ordinance the number of trustees to be elected from each ward, apportioning the same in proportion to the population of such ward; and thereafter the trustees so designated shall be elected by the qualified electors resident in such ward, or by the general vote of the whole city, as may be designated in such ordinance.

Board of
trustees,
powers of.

15. To appoint and remove such policemen and such other subordinate officers as they may deem proper, and to fix their duties and compensation.

16. To impose fines, penalties, and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed three hundred dollars, nor the term of such imprisonment exceed three months.

17. To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other property or works within the city.

18. To establish fire limits, and the same to alter at pleasure; to regulate or prevent the erection of wooden or other buildings or structures of combustible materials; to regulate the construction of all buildings, shades, awnings, signs, or any structure of a dangerous or unsafe character; to provide, by regulation, for the prevention and summary removal of all filth and garbage in the streets, sloughs, alleys, backyards or public grounds of such city, or elsewhere therein; to regulate or prohibit the storage of gunpowder and combustible or explosive materials of every kind and nature within the city limits, and to prescribe the limits in which the same may be kept or stored.

19. To do and perform any and all other acts and things necessary and proper to carry out the provisions of this chapter, and to exact and enforce within the limits of such city all other local, police, sanitary, and other regulations as do not conflict with general laws.

SEC. 2. This act shall take effect immediately.

CHAPTER 619.

An act to provide for the presentation to and approval by the board of supervisors, registration, interest upon, time of payment and receipt in payment of assessment of warrants of Reclamation District No. 108, situated in Colusa and Yolo counties.

[Approved April 16, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Reclama-
tion Dis-
trict No.
108, war-
rants of.

SECTION 1. All warrants drawn by the trustees of Reclamation District No. 108, must, after they are approved by the board of supervisors of the proper county, be presented to the county treasurer of the county upon which they are drawn, and if they are not paid on presentation for want of funds, such indorsement must be made thereon, and they must be registered by said treasurer and bear legal interest thereafter from the date of presentation, and be thereafter payable in the order of such presentation.

Payments
of assess-
ments.

Any warrant so drawn, however, shall be received by the county treasurer in payment of assessments of said reclamation district, on any land in said district, without regard to the order of its presentation, at any time during the time the assessment list containing such assessment shall remain in the hands of the county treasurer, as is provided in section 3465 of the Political Code. *Provided, however,* that after any assessment list for said district shall have been delivered by the county treasurer to the board of trustees of said district, as is provided in section 3466 of the Political Code, the assessments therein contained shall be payable only in gold or silver coin and warrants shall not thereafter be received in payment of any such assessment.

CHAPTER 620.

An act to amend an act entitled "An act authorizing the judges of the superior court in all counties, and cities and counties, having a population of two hundred thousand inhabitants and over, to appoint a secretary," approved March 26, 1895.

[Approved April 16, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of "An act authorizing the judges of the superior court in all counties and cities and counties having a population of two hundred thousand inhabitants and

over to appoint a secretary" approved March 25, 1895, is hereby amended to read as follows:

Section 1. In all counties, and cities and counties, having a population of three hundred thousand inhabitants and over, the judges of the superior court in such counties, and cities and counties, may appoint a secretary, who shall receive a salary of two hundred and fifty (\$250) dollars per month, and hold office at their pleasure, and shall perform such duties as may be required of him by the court or the judges thereof. Said salary shall be audited, allowed, and paid out of the general fund of such counties, and cities and counties.

Secretary
to superior
court, ap-
pointment
and salary.

SEC. 2. This act shall take effect from and after its passage.

CHAPTER 621.

An act to amend section one hundred and thirty-one of the Civil Code relating to interlocutory divorce judgments.

[Approved April 10, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one hundred and thirty-one of the Civil Code is hereby amended to read as follows:

131. In actions for divorce, the court must file its decision and conclusions of law as in other cases, and if it determines that no divorce shall be granted, final judgment must thereupon be entered accordingly. If it determines that the divorce ought to be granted, an interlocutory judgment must be entered, declaring that the party in whose favor the court decides is entitled to a divorce, and from such interlocutory judgment an appeal may be taken within six months after its entry, in the same manner and with like effect as if the judgment were final. After the entry of the interlocutory judgment, neither party shall have the right to dismiss the action without the consent of the other.

Decrees in
divorce
actions.

Appeals.

Dis-
missals.

CHAPTER 622.

An act to repeal an act entitled "An act to prevent fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines in the bay of San Diego, or in the entrance thereto."

[Approved April 16, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Repeal of
act of 1907.

SECTION 1. An act entitled "An act to prevent fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines in the bay of San Diego, or in the entrance thereto," approved February 19th, 1907, is hereby repealed.

CHAPTER 623.

An Act to provide for the issuance and sale of state bonds to create a fund for the construction by the board of state harbor commissioners for the bay of San Diego of harbor improvements consist of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances in the county of San Diego; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of one thousand five hundred dollars for the expense of printing said bonds, and to provide for the submission of this act to a vote of the people.

[Approved April 16, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Improvement of
San Diego
harbor.

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred by the board of state harbor commissioners for the bay of San Diego for harbor improvements consist of for the erection of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances in the county of San Diego, at a cost not to exceed one million five hundred thousand dollars, which said seawall, wharves, piers, state railroad, spurs, betterments and appurtenances the said board of state harbor commissioners for San Diego bay are hereby empowered to construct in the manner authorized by law, at a cost not to exceed one million five hundred thousand dollars, the state treasurer shall, immediately after the issuance of the proclamation of the governor provided for in section ten of this act, prepare fifteen hundred suitable bonds of the State

Issuance
of bonds.

of California in the denomination of one thousand dollars each, to be numbered from one to fifteen hundred, inclusive, and to bear date of the second day of July, nineteen hundred eleven. The total issue of said bonds shall not exceed the sum of one million five hundred thousand dollars, and they shall bear interest at the rate of four per cent per annum from the date of issuance thereof. The said bonds and the interest thereon shall be payable in gold coin of the United States of the present standard of value, at the office of the state treasurer of said state, on the second day of July, nineteen hundred eighty-five, subject, however, to redemption by lot as in this act hereinafter provided. The interest accruing on all of said bonds that shall be sold shall be payable at the office of the treasurer of the state on the second day of January and the second day of July of each year after the sale of the same. At the expiration of seventy-four years from the date of said bonds, all bonds shall cease to bear interest, and likewise all bonds redeemed by lot as hereinafter provided shall cease to bear interest according to the provisions of this act, and the state treasurer shall call in and forthwith pay and cancel the same out of the moneys in the San Diego seawall sinking fund provided for in this act, and he shall on the date of the maturity of said bonds cancel and destroy all bonds not theretofore sold. All bonds remaining unsold shall, at the date of the maturity thereof, be by the treasurer of the state canceled and destroyed. All bonds issued pursuant to the provisions of this act shall be signed by the governor of this state, countersigned by the state controller, and endorsed by the state treasurer, and the said bonds shall be so signed, countersigned, and endorsed by the officers who are in office on the second day of July, nineteen hundred eleven, and each of said bonds shall have the great seal of the State of California impressed thereon, and said bonds signed, countersigned, endorsed and sold as herein provided, shall be and constitute a valid and binding obligation upon the State of California though the sale thereof be made at a date or dates after the person so signing, countersigning and endorsing, or either thereof, shall have ceased to be an incumbent of said office or offices.

Total
issue.Interest
rate.Maturity
of bonds.

SEC. 2. Appended to each of said bonds there shall be interest coupons so attached that the same may be detached without injury or mutilation of said bonds, and said coupons shall be consecutively numbered, and shall bear the lithographic signature of the state treasurer who shall be in office on the second day of July, nineteen hundred eleven. No interest shall be paid on any of said bonds for such time as may intervene between the date of said bond and the day of sale thereof, unless said accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Interest
coupons.

SEC. 3. The sum of one thousand five hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the expense that may be

Appropriation for
preparation
of bonds.

incurred by the state treasurer in having said bonds prepared. The state controller is hereby authorized and directed to draw his warrant for the expense incurred in preparing the said bonds, and the state treasurer is hereby directed to pay the same.

Sale of
bonds.

SEC. 4. When the bonds authorized to be issued by this act shall have been signed, countersigned and endorsed, as in section 1 provided, the state treasurer shall sell the same for cash to the highest bidder in such parcels and numbers as the governor of the state shall direct, *provided* a resolution requesting such sale shall have been adopted by the board of state harbor commissioners for San Diego bay, and said board shall not pass such resolution until in their judgment the actual harbor receipts, and those reasonably anticipated, will justify such sale of bonds and the consequent increased burden on harbor receipts. Said resolution shall specify the number of bonds necessary to produce the amount of money which, in the judgment of said board of harbor commissioners, shall be required at such time, and the governor of the state shall direct the state treasurer to sell such number of said bonds to raise said amount of money, and that said bonds shall be sold in consecutive, numerical order. The state treasurer shall not accept any bid which is less than the par value of the bond, plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. The state treasurer may, at the time and place fixed by him for such sale, continue such sale as to the whole or any part of said bonds to such time and place as he may at the time of such continuance designate. Before offering any of said bonds for sale the state treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for said sale. The state treasurer shall give notice of the time and place of sale by publication in two newspapers published in the city and county of San Francisco, one newspaper published in the city of Los Angeles, one newspaper published in the city of San Diego, and one newspaper published in the city of Sacramento, once a week for four weeks next preceding the date fixed for such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised. The cost of such publication shall be paid out of the San Diego harbor improvement fund on controller's warrants duly drawn for that purpose, and the treasurer must pay the same. The proceeds of the sale of such bonds shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund to be known and designated as the "San Diego seawall fund," and must be used exclusively for the construction of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances thereto on the water front of the bay of San Diego. Drafts

Notice of
sale, publi-
cation of.

Disposi-
tion of
proceeds.

and warrants upon the said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the San Diego harbor improvement fund.

SEC. 5. For the payment of the principal and interest of said bonds a sinking fund, to be known and designated as the "San Diego seawall sinking fund" shall be, and the same is hereby created, to wit: The state treasurer, after the second day of January, nineteen hundred and twenty-nine, shall on the first day of each and every month thereafter, after the sale of said bonds, take from the San Diego harbor improvement fund such sum as, multiplied by the time in months, the bonds then sold and outstanding at the time said treasurer shall so take said sum from said San Diego harbor improvement fund, less the amount theretofore taken therefrom for said purpose; and he shall place the sum in the seawall sinking fund created by this act. Said state treasurer shall, on controller's warrants duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, or of the State of California, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must keep always on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold. And to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the San Diego harbor improvement fund, and pay into said seawall sinking fund, an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding. The board of state harbor commissioners of San Diego are hereby authorized and directed by the collection of dockage, tolls, rents, wharfage and cranage to collect a sum of money sufficient for the purposes of this act, over and above any limitations existing in the existing section of the Political Code of the State of California. Between the first and tenth day of November, in the year nineteen hundred and fifty and between the first and tenth day of November of each year thereafter until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund at that time, and shall thereupon and before the tenth day of December following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the county of San Francisco, and also in one newspaper published in the city of San Diego, and also in one newspaper published in the city of Los Angeles, stating the number of bonds so drawn and that the principal of said bonds will be paid on presentation to the treasurer on or before the second day of January, following, and that from and after such last named date, all interest upon bonds thus drawn shall cease, and it shall be the duty

Sinking fund.

Employment of funds.

Means for payment of interest.

Redemption of bonds.

of the treasurer as soon as said bonds so drawn by lot are surrendered to him and paid to cancel the same, and the interest coupons thereon, and each year beginning with the year nineteen hundred and fifty, the said treasurer shall, in the manner aforesaid, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund, and proceed in the manner hereinabove stated. After the payment of all said bonds, the surplus or balance remaining in said sinking fund, if any there be, shall forthwith be paid into the San Diego harbor improvement fund. At the time of the respective drawings by lot, as aforesaid, and also at the maturity of said state bonds, said treasurer shall sell the United States or other bonds then in said sinking fund, at governing market rates, after advertising the sale thereof in the manner hereinbefore provided for the sale of bonds hereby authorized to be issued, and shall use the proceeds for the payment of such bonds as may be drawn by lot, and at the maturity of said bonds outstanding shall pay and redeem said matured outstanding bonds out of said moneys in said fund in extinguishment of said bonds on controller's warrants duly drawn for that purpose.

Report to
governor.

SEC. 6. The state controller and the state treasurer shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

Payment
of interest.

SEC. 7. It shall be the duty of the state treasurer to pay the interest of said bonds, when the same falls due, out of the sinking fund provided for in this act, on controller's warrants duly drawn for that purpose.

When act
to take
effect.

SEC. 8. This act, if adopted by the people, shall take effect on the thirty-first day of December, nineteen hundred and ten, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

Act to be
submitted
to people.

SEC. 9. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be holden in the month of November, nineteen hundred and ten, and all ballots at said election shall have printed thereon and at the end thereof, the words, "For the San Diego Seawall Act," and in a separate line under the same words "Against the San Diego Seawall Act," and opposite said lines there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the

San Diego Seawall Act." and all those voting against the said act shall do so by placing a cross opposite the words "Against the San Diego Seawall Act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

SEC. 10. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

Canvass of votes.

SEC. 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, nineteen hundred and ten, the costs of publication shall be paid out of the San Diego harbor improvement fund, on controller's warrants duly drawn for that purpose.

Secretary of state to advertise act.

SEC. 12. The state controller and state treasurer are hereby directed to transfer from any moneys paid into the San Diego seawall fund under the provisions of this act to the general fund of the State of California, any and all sums of money theretofore transferred from said general fund to the San Diego seawall fund, together with interest on said moneys from the date of transfer at the rate of four per cent per annum.

Transfer of moneys.

SEC. 13. This act may be known and cited as the "San Diego Seawall Act of 1909."

Name of act.

CHAPTER 624.

An act to create the office of state dental surgeon, prescribing his duties, fix his manner of appointment, salary and term of office, and to make an appropriation for the expenses of his office.

[Approved April 16, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The office of state dental surgeon is hereby created. It shall be the duty of the governor, on or before the tenth day of July, 1909, to appoint a skilled dental surgeon for the State of California to fill said office of state dental

State dental surgeon. creation of office.

surgeon, who at the date of such appointment shall be a graduate in good standing of a recognized college of dental surgery, legally qualified to practice as such in this state, and shall hold said office for the period of four years from and after the date of qualification, *provided, however,* when a vacancy occurs in the office of state dental surgeon from whatever cause the governor shall fill by appointment said term for the unexpired part thereof only. The salary of said state dental surgeon shall be \$2,400.00 per annum, and shall be paid at the same time and in the same manner as are the salaries of other state officers.

Salary.

Duties.

SEC. 2. The duties of the state dental surgeon shall be to perform the dental services for the inmates of the various state hospitals. Said dental services shall be performed in an efficient and durable manner as possible, and shall consist of cement and amalgam fillings, treatment and extracting teeth, inserting artificial teeth on vulcanite plates, and perform such oral surgery operations as may be referred to him by the superintendents of the various state hospitals. No services shall be performed by the state dental surgeon for any officer or employee of any state institution, except in the case of extreme emergency.

Must visit
state
hospitals.

SEC. 3. The state dental surgeon must visit every state hospital at least twice in each year, and shall at all times be under the supervision of the California state commission in lunacy.

Appropriation.

SEC. 4. For the purpose of carrying out the provisions of this act the sum of three thousand five hundred (\$3,500.00) dollars is hereby appropriated to pay the traveling expenses of the state dental surgeon to the various state hospitals and for the purchase of operating and extracting instruments and such apparatus as may be needed for the making of plates, and such other expenses as may be required in the discharge of his duties.

SEC. 5. This act shall be in force and effect from and after July 1, 1909.

CHAPTER 625.

An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities and cities and counties, and to provide penalties for the violation thereof.

[Approved April 16, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Tenement
house act.

SECTION 1. This act shall be known as the tenement house act, and its provisions shall apply to all incorporated towns, incorporated cities, cities and counties in the State of California.

SEC. 2. For the purpose of this act certain words and phrases are defined as follows: Definition
of phrases.

A tenement house is any house or building, or portion thereof, which is rented, leased, let or hired out, to be occupied or is occupied as the home or residence of three families or more living independently of each other, and doing their cooking upon the premises, or by more than two families upon any floor so living and cooking, but having a common right in the halls, stairways, yards, water-closets or privies or some or any of them.

An apartment in a tenement house is a room or a suite of rooms which is occupied, or is intended or designed to be occupied, as a family domicile.

A yard is an open, unoccupied space on the same lot with a tenement house, between the extreme rear line of the house and the rear line of the lot.

A court is an open, unoccupied space, other than a yard, on the same lot with a tenement house. A court not extending to the street or yard is an inner court. A court extending to the street or yard is an outer court. If it extends to the street it is a street court. If it extends to the yard it is a yard court. If it extends from the street to the yard it is a street-to-yard court. A court bounded on one side and both ends by a tenement house and on the remaining side by a lot line is a "lot-line" court.

A shaft includes exterior and interior shafts, whether for air, light, elevator, dumbwaiter, or any other purpose. A vent shaft is one used solely to ventilate or light a water-closet compartment or bathroom.

A public hall is a hall, corridor or passageway not within an apartment.

A stair hall includes the stairs, stair landings and those portions of the public halls through which it is necessary to pass in going between the entrance hall and the roof.

A basement is a story partly below the level of the curb, the ceiling of which is not less than four feet six inches above the curb level.

A cellar is any story partly or wholly below the level of the curb, the ceiling of which is less than four feet six inches above the curb level.

A fireproof tenement house is one the walls of which are constructed of brick, stone, iron or other incombustible material, and in which there are no wood beams or lintels and in which the floors, roofs, stair halls and public halls are built entirely of brick, stone, iron, or other hard incombustible material, and in which no woodwork or other inflammable material is used in any of the partitions, furrings or ceilings. But this definition shall not be construed as prohibiting elsewhere than in the stair halls or entrance halls, the use of wooden flooring on top of the fireproof floors or the use of wooden sleepers, nor as prohibiting wooden hand rails, and hardwood treads.

The term curb level wherever used in this act means the level of the curb directly in front of the middle of the street line of the tenement house; where a tenement house is on a cor-

ner lot, or on a lot which runs through from one street to another street, and there is more than one grade or level, the lowest level shall be taken.

Buildings
converted
to tenement
use.

SEC. 3. A building not erected for use as a tenement house, if hereafter altered or converted to such use, shall thereupon become subject to all of the provisions of this act affecting tenement houses hereafter erected.

Unlawful
structure
defined.

SEC. 4. No tenement house shall at any time be altered so as to be in violation of any provision of this act. If any tenement house or any part thereof be occupied by more families than provided by this act, or is erected, altered or occupied contrary to law, such tenement house shall be deemed an unlawful structure, and the department charged with the enforcement of this act may cause such building to be vacated. And such building shall not again be occupied until it or its occupation, as the case may be, has been made to conform to the law.

Fireproof
tenement.

SEC. 5. Every tenement house hereafter erected exceeding six stories or parts of stories in height (above the curb) shall be a fireproof tenement house, nor shall any such tenement house be altered so as to exceed such height without being made fireproof. A cellar is not a story within the meaning of this section, provided that no part of such cellar or basement is occupied or arranged to be occupied for living purposes.

Fire
escapes.

SEC. 6. Every tenement house that is occupied or is intended to be occupied shall be provided and equipped with stand-pipes and with metallic fire escapes, combined with suitable metallic balconies, platforms and railings, as provided for, or which shall be provided for by the ordinances of the incorporated town, city, or city and county in which the tenement house is situated. No incumbrance of any kind shall at any time be placed before, upon or against any stairway, steps or landings or fire escapes in or upon any tenement house. All fire escapes upon tenement houses shall be kept in good order and repair, and every exposed part thereof shall at all times be protected against rust by durable paint.

Bulkhead
in roof.

SEC. 7. Every tenement house hereafter erected shall have in the roof a fireproof bulkhead with a fireproof door to the same, and shall have fireproof stairs with a guide or handrail leading to the roof, except that in tenement houses hereafter erected, which do not exceed four stories and a cellar in height, and which are not also occupied or arranged to be occupied by more than two families on any floor, such bulkheads may be of wood covered with metal on both sides. The stairs leading to such bulkheads shall be constructed as specified in sections 8 and 11 of this act.

Width of
stairs.

SEC. 8. Every tenement house hereafter erected shall have at least one flight of stairs extending from the entrance floor to the roof, and the stairs and public halls therein shall be at least three feet wide in the clear.

Additional
stairway
in non-
fireproof
houses.

SEC. 9. Every non-fireproof tenement house hereafter erected containing over fifty (50) rooms, exclusive of bath-rooms, above the entrance story, shall also have an additional flight of stairs for every additional eighty (80) rooms or fraction thereof: if said house contains not more than one hundred

(100) rooms above the entrance story, in lieu of an additional stairway, the stairs, stair halls and entrance halls throughout the entire building shall be at least one half wider than is specified in sections 8 and 12 of this act.

SEC. 10. Every fireproof tenement house hereafter constructed containing over one hundred and twenty (120) rooms above the entrance story, exclusive of bathrooms, shall have an additional flight of stairs for every additional one hundred and twenty (120) rooms or fraction thereof; but if said house contains not more than one hundred and eighty (180) rooms above the entrance story, exclusive of bathrooms, in lieu of an additional stairway, the stairs, stair halls and entrance halls throughout the entire building may each be at least one half wider than is specified in sections 8, 11 and 12 of this act. And if such house contains not more than three hundred (300) rooms above the entrance story, exclusive of bathrooms, in lieu of three stairways there may be but two stairways, *provided* that one of such stairways and the stair halls and entrance halls connected therewith are at least one half wider than is specified in sections 8, 11 and 12 of this act.

Additional stairways in fireproof houses.

SEC. 11. Each flight of stairs mentioned in the last three sections shall have an entrance on the entrance floor from the street or street court, or from an inner court which connects directly with the street. All stairs shall be constructed with a rise of not more than eight inches, and with treads not less than nine inches wide, exclusive of nosings. Where winders are used all treads at a point eighteen inches from the strings on the wall side shall be at least ten inches wide.

Construction of stairways.

SEC. 12. Every entrance hall in a tenement house hereafter erected shall be at least three feet six inches in the clear from the entrance up to and including the stair enclosure, and beyond this point at least three feet wide in the clear. In every tenement house hereafter erected, access shall be had from the street to the yard, either in a direct line or through a court.

Width of entrance halls.

SEC. 13. In non-fireproof tenement houses hereafter erected no closet of any kind shall be constructed under any stairway leading from the first story, exclusive of the cellar, to the upper stories, but such space shall be left entirely open and kept clear and free from incumbrance.

Closets under stairways.

SEC. 14. In every tenement house hereafter erected there shall be an entrance to the cellar or other lowest story from the outside of said building.

Entrance to cellar.

SEC. 15. Within the fire limits of any incorporated town, incorporated city or city and county, no wooden building not now used as a tenement house shall be hereafter erected for, altered or converted to such use. But outside of the fire limits tenement houses not exceeding four stories in height, exclusive of the cellar, may be erected of wood.

Wooden buildings not permitted, where.

SEC. 16. No wooden tenement house shall be increased in height so as to exceed four stories, exclusive of the cellar.

Increase of height.

SEC. 17. No tenement house nor any part thereof, nor of the lot upon which it is situated, shall be used as a place of

Keeping of combustibles. storage, keeping or handling of any combustible article except under such conditions as may be prescribed by the department of any incorporated town, incorporated city or city and county to which this act applies, which are now charged with the enforcement of laws, ordinances and regulations, relating to the erection of buildings, the protection of public health, and police and fire protection. No tenement house nor any part thereof, nor of the lot upon which it is situated, shall be used as a place of storage, keeping or handling of any article dangerous or detrimental to life or health, nor for the storage, keeping or handling of feed, hay, straw, excelsior, cotton, paper stock, feathers or rags.

Boiling of fat. SEC. 18. No bakery and no place of business in which fat is boiled shall be maintained in any tenement house which is not fireproof throughout, unless the ceilings and side walls of said bakery or place where fat boiling is done are made safe by fireproof materials around the same, and there shall be no openings either by door or window, dumb-waiter shafts or otherwise, between said bakery or said place where fat is boiled in any tenement house and the other parts of said building.

Paints and oils. SEC. 19. All transoms and windows opening into halls from any portion of a tenement house where paint, oil, spirituous liquors or drugs are stored for the purpose of sale or otherwise, shall be glazed with wire glass or they shall be removed and closed up as solidly as the rest of the wall. And all doors leading into such hall from such portion shall be made fireproof.

Yard requirements. SEC. 20. Behind every tenement house hereafter erected there shall be a yard extending across the entire width of the lot, and except as provided in section 23, at every point open from the ground to the sky unobstructed, except that fire escapes or unenclosed outside stairs may project not over four feet from the rear line of the house. The depth of said yard, measured from the extreme rear wall of the house to the rear line of the lot, shall be as set forth in the following sections.

Same. SEC. 21. No tenement house shall hereafter be enlarged or its lot diminished, so that the yard shall be less in depth than the minimum depths prescribed by this act. The measurements in all cases to be taken from the extreme rear wall of the building to the rear line of the lot, and across the full width of the lot, and such yard shall be at every point open from the ground to the sky, except as provided for elsewhere in this act.

Depth of yard. SEC. 22. Except upon a corner lot or upon a lot running through from street to street, as provided in sections 23 and 24, the depth of the yard behind every tenement house hereafter erected sixty feet in height shall not be less than twelve feet in every part. Said yard shall be increased in depth one foot for every additional twelve feet of height of the building, or fraction thereof; and may be decreased in depth one foot for every twelve feet of height of the building less than sixty feet; but it shall never be less than ten feet in depth in any part.

SEC. 23. Whenever a tenement house is hereafter erected upon a lot which runs through from one street to another

street, or alley of not less than sixteen (16) feet in width, and said lot is not less than eighty feet nor more than one hundred feet in depth, there shall be a yard space through the center of the lot midway between the two streets, which space shall extend across the full width of the lot and shall never be less than twelve feet in depth from wall to wall, and shall be increased in depth as prescribed in section 22 of this act. Such yard space may start at the level of the second tier of beams, but never at a point more than fourteen feet above the curb level. Where such lot is over one hundred feet in depth such yard space shall be left through the center of the lot midway between the two streets, and shall extend across the entire width of the lot, and shall not be less than twenty-four feet in depth from wall to wall and shall be increased in depth as prescribed in section 22 of this act. Where such lot is one hundred and fifty feet or more in depth such yard shall be at every point open from the ground to the sky unobstructed, except by fire escapes and unenclosed outside stairs projecting not more than four feet from the building.

Yardway
between
streets.

SEC. 24. The depth of the yard behind every tenement house hereafter erected upon a corner lot shall be not less than ten feet in every part and at every point open and unobstructed from the ground to the sky, *provided* that where any such lot is less than one hundred feet in depth, the depth of the yard be not less than ten per centum of the greatest depth of such lot, but shall never be less than five feet in every part, nor less than the minimum width of an outer court on the lot line as prescribed by this act. Where a corner lot is more than fifty feet in width, the yard for that portion in excess of fifty feet shall conform to the provisions of section 22 of this act.

Depth of
Yard on
corner
lots.

SEC. 25. No court of a tenement house hereafter erected shall be covered by a roof or skylight, but every such court shall be at every point open from the ground to the sky unobstructed, except that fire escapes as required by law or by the ordinances or regulations of incorporated towns, incorporated cities or cities and counties to which this act applies, may project into a court, but no more than four feet from the wall of the house. All courts in tenement houses hereafter erected shall conform to the requirements of the following sections.

Court to
be open to
sky.

SEC. 26. The outer courts of all tenement houses shall have not less than the following minimum widths:

Outer
courts,
widths of.

<i>Building.</i>	<i>Least Width.</i>
2 stories	4 feet
3 stories	4 feet 6 inches
4 stories	5 feet
5 stories	6 feet
6 stories	8 feet
7 stories	10 feet
8 stories	12 feet

Inner courts, widths of.

SEC. 27. The inner courts of all tenement houses shall have areas and minimum widths in all parts, not less than the widths and areas as follows :

Building.	Square Feet.	Least Width.
2 stories	100	6 feet
3 stories	120	7 feet
4 stories	160	8 feet
5 stories	250	12 feet
6 stories	400	16 feet
7 stories	625	20 feet
8 stories	840	24 feet

Lot line courts.

Lot line courts shall have areas and minimum widths in all parts not less than one half of those specified in the above table of inner courts.

Inner court intakes.

SEC. 28. Every inner court including lot line courts shall be provided with one or more horizontal intakes at the bottom. Such intakes shall always communicate directly with the street or yard, and shall each consist of a passageway not less than three feet wide and six feet six inches high which shall be left open, or if not open there shall always be provided in said passageway open grilles or transoms of a size not less than ten square feet each, and such open grilles or transoms shall never be covered with glass or in any other way. There shall be at least two such grilles or transoms in each passageway, one at the inner court and the other at the street or yard, as the case may be.

Lot space that may be occupied.

SEC. 29. No tenement house hereafter erected shall occupy more than ninety per centum of a corner lot, or more than seventy per centum of any other lot, except as otherwise provided in this act: *provided* that the space occupied by fire escapes erected and constructed according to law, shall not be deemed a part of the lot occupied, but that the space occupied by outside fireproof stairs, by vent shafts thirty-two square feet or less in area, and by recesses for fire escapes as provided for shall be considered a part of the lot occupied. For the purposes of this section the measurements may be taken at the level of the second tier of beams, but never at a point more than fourteen feet above the curb level.

Corner lot defined.

SEC. 30. By corner lot is meant a lot situated at the junction of two streets, or of a street and public alley not less than sixteen feet in width. Any portion of the width of such lot distant more than fifty feet from such junction shall not be regarded as part of a corner lot, but shall be subject to the provisions of this act respecting other than corner lots. Where, in any corner lot, the two frontages are of unequal length, the lesser street frontage shall be taken as the width of the lot. Street frontage alone and not alley frontage shall be considered in determining such lesser frontage.

SEC. 31. No existing tenement house shall (unless the rear of the lot upon which it stands abuts upon a public alley at least ten feet wide) hereafter be enlarged or its lot be dimin-

ished so that any building on such lot shall at any point approach nearer than ten feet to the rear line of the lot. Where a tenement house, now or hereafter erected, stands upon a lot, other than a corner lot, no other building shall hereafter be placed upon the front or rear of that lot, unless the minimum distance between such buildings be at least ten feet, if neither building exceeds the height of one story; or fifteen feet if either building exceeds the height of one story, but not the height of two stories, and so on, five additional feet to be added to such minimum distance of ten feet for every story more than one in the height of the highest building on such lot. Every rear tenement hereafter erected, or every tenement that hereafter becomes a rear tenement by the erection of a building or buildings on the front of the same lot, shall have direct access to a street or to a public alley at least sixteen feet wide, by a passageway not less than five feet wide by seven feet high.

Minimum distance between buildings.

SEC. 32. No tenement house shall hereafter be enlarged, or its lot diminished, so that a greater percentage of the lot shall be occupied by buildings or structures than provided for in section 29 of this act. For the purposes of this section the measurements may be taken at the level of the second tier of beams but never at a point more than fourteen feet above the curb level; *provided* that the space occupied by fire escapes, and by chimneys or flues located in yards and attached to the house, which do not exceed five square feet in area and do not obstruct light or ventilation, shall not be deemed a part of the lot occupied.

Measurements may be taken, where.

SEC. 33. The height of no tenement house hereafter erected shall by more than one half exceed the width of the widest street upon which it stands.

Maximum height.

SEC. 34. In every tenement house hereafter erected, every room except water-closet compartments and bathrooms shall have at least one window opening directly upon the street, or upon a yard or court of the dimensions specified in sections 20 to 27 of this act, and such windows shall be so located as to properly light all portions of such rooms.

Windows.

SEC. 35. In every tenement house hereafter erected, the total window area in each room, except water-closet compartments and bathrooms, shall be at least one eighth of the superficial area of the room, except in the cellar or basement, where it shall be one sixth, and the upper half of all windows shall be made so as to open the full width. No such window shall be less than twelve square feet in area between the stop beads.

Window area.

SEC. 36. In every tenement house hereafter erected, all rooms, except water-closet compartments and bathrooms, shall be of the following dimensions: In each apartment there shall be at least one room containing not less than one hundred and twenty square feet of floor area, and each other room shall contain at least eighty square feet of floor area. Each room shall be in every part not less than eight feet six inches from the finished floor to the finished ceiling; *provided*, that an attic room need be but eight feet six inches high in but one half its area.

Rooms, minimum dimensions.

Alcove
rooms.

SEC. 37. Alcove rooms must conform to all the requirements of other rooms.

Windows
in public
halls.

SEC. 38. In every tenement house which is hereafter erected, which is occupied or arranged to be occupied by more than two families on any floor, or which exceeds four stories and cellar in height, every public hall shall have at least one window opening directly upon the street or upon a yard or court, except as otherwise provided in this section. Any part of a hall which is shut off from any other part of said hall by a door or doors, shall be deemed a separate hall within the meaning of this section. In every tenement house hereafter erected where the public hall is not provided with a window opening directly to the outer air as above provided, there shall be a stair well not less than twelve inches wide extending from the entrance floor to the roof, and all doors leading from such public halls shall be provided with translucent glass panels of an area not less than five square feet for each door, and also with fixed transoms of translucent glass over each door.

Size of
windows
in public
halls.

SEC. 39. In every tenement house hereafter erected, one at least of the windows provided to light each public hall or part thereof shall be at least two feet six inches wide, measured between stop beads. In every such house there shall be in the roof, directly over each stair well, a ventilating skylight provided with ridge ventilators having a minimum opening of forty square inches, or such skylight shall be provided with fixed or movable louvres; the glazed roof of such skylight shall be not less than twenty square feet in area. In tenement houses hereafter erected where the stairs and public halls are not provided with windows on each floor opening directly into the outer air, the skylights shall be provided with both such ridged ventilators, and also with fixed or movable louvres, or movable sashes.

Windows
in stair
halls.

SEC. 40. In every tenement house hereafter erected, the windows required by law on each floor to light or ventilate stair halls shall be at least fifteen square feet in area, measured between stop heads. There shall be provided at each story at least one of said windows, which shall be at least three feet wide and five feet high, measured between the stop heads. Sash doors in entrance halls and public halls shall be deemed the equivalent of a window for lighting purposes, *provided* that such doors contain the amount of glazed surface prescribed for windows.

Access to
rooms.

SEC. 41. In every apartment of three or more rooms in a tenement house hereafter erected, access to every living room and bedroom and to at least one water-closet compartment shall be had without passing through any bedroom.

Additional
rooms.

SEC. 42. Any additional room or hall that is hereafter constructed or created in a tenement house shall comply in all respects with the provisions of chapter III of this act, except that such rooms may be of the same height as the other rooms on the same story of the house.

Light
shafts.

SEC. 43. Any shaft used or intended to be used to light or ventilate rooms intended to be used for living purposes,

and which may hereafter be placed in tenement houses erected prior to May 10th, 1909, shall not be less in area than twenty-five square feet, or less than four feet in width in any part, and such shaft shall under no circumstances be roofed or covered over at the top with a roof or skylight; every such shaft shall be provided at the bottom with a horizontal intake or duct, of a size not less than four feet square and communicating directly with the street or yard, and such duct shall be so arranged as to be readily cleaned out.

SEC. 44. Every vent shaft hereafter constructed in a tenement house shall be at least twenty square feet in area, and the least dimension of such vent shaft shall be not less than four feet; and if the building be above sixty feet in height such vent shaft shall, throughout its entire height, be increased in area three square feet for each additional twelve feet of height or fraction thereof; and for each twelve feet of height less than sixty feet such vent shaft may be decreased in area three square feet. A vent shaft may be enclosed on all four sides but shall not be roofed or covered over in any way. Every such vent shaft shall be provided with a horizontal intake or duct at the bottom, communicating with the street or yard or with a court; such duct or intake to be not less than four square feet in total area. Such duct shall be constructed of fireproof material in a manner approved by the department charged with the enforcement of this act, and shall enter the shaft at a point not less than six inches above the bottom thereof, and shall be provided with a wire screen of not less than one inch mesh at each end. Such duct shall be so arranged as to be easily cleaned out.

Vent shafts.

SEC. 45. In no now existing or new tenement house shall any room in the cellar be constructed, altered, converted or occupied for living purposes; and no room in the basement of a tenement house shall be constructed, altered, converted or occupied for living purposes, unless all of the following conditions of this ordinance be complied with, and at least one third of the basement shall be above grade for building; *provided*, in each case it shall be at least four feet six inches above the street grade.

Cellars for living purposes.

Such rooms shall be at least eight feet six inches high in all now existing or new tenement houses in every part, from the floor to the ceiling.

There shall be appurtenant to such room or apartment a water-closet conforming to the regulations and ordinances relating to water-closets, of the incorporated town, incorporated city or city and county in which the tenement house is or is to be built.

SEC. 46. Every tenement house hereafter erected, shall have all walls below the ground level and all cellar or lower floors damp-proof and water-proof. When necessary to make such floors and walls damp-proof and water-proof, the damp-proofing and water-proofing shall run through the walls as high as the ground level and continue throughout the floor. All cellars and basements in such tenement houses shall be properly

Walls below ground to be damp-proof.

lighted and ventilated to the satisfaction of the department charged with the enforcement of this act.

Drainage.

SEC. 47. In every tenement house hereafter erected the bottom of all shafts, courts, areas, and yards which extend to the basement for light or ventilation of living rooms, must be six inches below the floor level of the part occupied or intended to be occupied. In every tenement house all shafts, courts, areas and yards shall be properly graded and drained, and connected with the street sewer so that all water may pass freely through into it, and when required by the department charged with the enforcement of this act, shall be properly concreted.

Sinks.

SEC. 48. In every tenement house hereafter erected, there shall be in each apartment a proper sink with running water.

Water closets and baths.

SEC. 49. In every tenement house hereafter erected, there shall be a separate water-closet in a separate compartment within each apartment and a shower bath or bath tub shall be provided on each floor. Every water-closet and bathroom hereafter placed in any tenement house shall be placed in a separate compartment from every other water-closet and bath; each compartment shall not be less than two feet four inches wide, and shall be enclosed with plastered partitions, which shall extend to the ceiling. Nothing in this section in regard to the separation of water-closet compartments from each other shall apply to a general toilet room containing several water-closets hereafter placed in a tenement house, *provided* such water-closets are supplemental to the water-closet accommodations required by law for the use of the tenants of said house. Nothing in this section in regard to the ventilation of water-closet compartments shall apply to a water-closet hereafter placed in a tenement house, where it is provided to replace a defective fixture in the same position and location. No water-closet shall be maintained in the cellar of any tenement house without a special permit in writing from the department charged with the enforcement of this act, which shall have power to make rules and regulations governing the maintenance of such closets. Every water-closet compartment hereafter placed in any tenement house shall be provided with proper means of lighting at night. If fixtures for gas or electricity are not provided in said compartment, then the door of said compartment shall be provided with translucent glass panels not less in area than four square feet. The floor of every such water-closet compartment shall be made water-proof with asphalt, tile, stone, or some other water-proof material; and such water-proofing shall extend at least six inches above the floor so that said floor can be washed or flushed without leaking. No drip trays shall be permitted. No water-closet fixtures shall be encased in any woodwork.

Closets in existing houses.

SEC. 50. In all now existing tenement houses, the wood-work enclosing all water-closets shall be removed from the front of said closets and the space underneath the seat shall be left open. The floor and other surface beneath and around the closet shall be maintained in good order and repair and if of wood shall be kept well painted with light colored paint.

SEC. 51. In all now existing tenement houses, the wood-work enclosing sinks located in public halls or stairs shall be removed, and the space underneath said sink shall be left open. The floors and wall surfaces beneath and around the sink shall be maintained in good order and repair, and if of wood, shall be well painted.

Sinks in existing houses.

SEC. 52. The floor of the cellar or lowest floor of every tenement house shall be water tight, and the cellar ceiling shall be plastered when so required by the department charged with the enforcement of this act, except where the first floor above the cellar is constructed of iron beams and fireproof filling.

Cellar floors.

SEC. 53. The cellar walls and ceilings of every tenement house shall be thoroughly whitewashed or painted a light color by the owner and shall be so maintained. Such whitewash or paint shall be renewed whenever necessary as may be required by the department charged with the enforcement of this act.

Cellar walls.

SEC. 54. Every tenement house and all parts thereof shall be kept in good order and the roof shall be kept so as not to leak, and all rainwater shall be so drained and conveyed therefrom as to prevent its dripping on the ground or causing dampness in the walls, ceilings, yards or areas.

Houses must be kept in repair.

SEC. 55. Every tenement house and every part thereof shall be kept clean and free from any accumulation of dirt, filth or garbage or other matter in or on the same, or in the yards, courts, passages, areas or alleys connected or belonging to same.

Cleanliness.

SEC. 56. In every tenement house there shall be at the bottom of every shaft and inner court, a door giving sufficient access to such shaft or court to enable it to be properly cleaned out.

Same.

SEC. 57. The walls of all yard courts, inner courts and shafts, unless built of a light color brick or stone, shall be thoroughly whitewashed by the owner, or shall be painted a light color by him and so maintained.

Court walls.

SEC. 58. No wall paper shall be placed upon a wall or ceiling of any tenement house unless all wall-paper shall be first removed therefrom and said wall and ceiling thoroughly cleaned.

Wall-paper.

SEC. 59. The owner of every tenement house shall provide for said building proper and suitable conveniences or receptacles for ashes, rubbish, garbage, refuse and other matter.

Receptacles for garbage.

SEC. 60. No horse, cow, calf, swine, sheep or goat shall be kept in a tenement house, or within twenty feet thereof on the same lot, and no tenement house, or the lot or premises thereof, shall be used for a lodging-house or stable, or for the storage or handling of rags.

Keeping of livestock.

SEC. 61. Whenever there shall be more than eight families living in any tenement house, in which the owner does not reside, there shall be a janitor, housekeeper, or some responsible

Janitor.

person who shall reside in said house and have charge of same, as the department charged with the enforcement of this act shall so require.

Over-crowding.

SEC. 62. No room in any tenement house shall be so over-crowded that there shall be afforded less than four hundred cubic feet of air to each adult, and two hundred cubic feet of air to each child under twelve years of age occupying such room.

Construction of building, specifications to be filed.

SEC. 63. Before the construction or alteration of a tenement house, or the alteration or conversion of a building for use as a tenement house is commenced, and before the construction or alteration of any building or structure on the same lot with a tenement house, the owner, or his agent, or architect, shall submit to the department charged with the enforcement of this act, a detailed statement in writing, verified by the affidavit of a person making the same, of the specifications for the construction and for the light and ventilation of such tenement house or building, upon a blank or form to be furnished by such department, and also a full and complete copy of the plans of such work. Such statement shall give in full the name and residence, by street and number, of the owner or owners of such tenement house or building. No person, however, shall be recognized as the agent of the owner, unless he shall file with the said department a written instrument signed by such owner designating him as agent. Any false swearing in a material point in such affidavit shall be deemed perjury. Such specifications, plans and statements shall be filed in said department and shall be deemed public records, and no such specifications, plans or statements shall be removed from said department.

Rent not recoverable, when.

SEC. 64. If any building hereafter constructed as or altered into a tenement house be occupied in whole or in part for human habitation in violation of the last section, during such unlawful occupancy no rent shall be recoverable by the owner or the lessee of such premises for said period, and no action or special proceeding shall be maintained therefor, or for the possession of said premises for the non-payment of such rent.

Who shall enforce act.

SEC. 65. Except as herein otherwise provided, the provisions of this act shall be enforced by the departments of any incorporated town, incorporated city, or city and county to which this act applies, which are now charged with the enforcement of laws, ordinances and regulations relating to the erection of buildings, the protection of public health or police and fire protection.

Abrogation of powers not intended.

SEC. 66. Nothing in this act shall be construed to abrogate or impair the powers of the department of health, the department of public works or of the courts, to enforce any provisions of the charter or building ordinances and regulations of any incorporated town, incorporated city, or city and county, not inconsistent with this act, or to prevent or punish violations thereof.

SEC. 67. Every person who shall violate or assist in the violation of any provisions of this act shall be guilty of a misdemeanor punishable by imprisonment for ten days for each and every day that the violation shall continue, or by a fine of not less than ten dollars or more than one hundred dollars if the offense be not willful, or two hundred and fifty dollars if the offense be willful, and in every case of ten dollars for each day after the first that such violation shall continue, or by both such fine and imprisonment in the discretion of the court. The owner of the tenement house or part thereof, or of any building or structure upon the same lot with a tenement house, or of the said lot, where any violation of this act, or a nuisance exists, and any person who shall assist and violate any provisions of this act, or any notice or order of the department charged with the enforcement, shall also jointly and severally for each violation and each such nuisance be subject to a civil penalty of fifty dollars.

Violation
of act,
penalty
for.

SEC. 68. Any owner, agent, architect, builder, contractor, sub-contractor or foreman who shall, in the construction or alteration of any building intended to be used as a tenement house, knowingly violate any of the provisions of the building laws, contained in or based upon this act, ordinances or regulations, shall be guilty of a misdemeanor.

Same.

SEC. 69. Every fine imposed by judgment under sections 67 and 68 of this act upon a tenement house owner, shall be a lien upon the house in relation to which the fine is imposed from the time of the filing of a certified copy of said judgment in the office of the clerk of the county in which said tenement house is situated.

Fines shall
be a lien

SEC. 70. Every owner of a tenement house and every lessee of the whole house, or other person having control of a tenement house, shall file in the department charged with the enforcement of this act, a notice containing his name and address and also a description of the property, by street and number and otherwise, as the case may be, in such manner as will enable the department charged with the enforcement of this act to easily find the same; and also the number of apartments in each house, the number of rooms in each apartment, and the number of families occupying the apartments. In case of a transfer of any tenement house, it shall be the duty of the grantee of said tenement house to file in the department charged with the enforcement of this act, a notice of such transfer, stating the name of the new owner, within thirty days after such transfer. In case of the devolution of the said property by will, it shall be the duty of the executor and the devisee, if more than twenty-one years of age, and in the case of devolution of such property by inheritance without a will, it shall be the duties of the heirs, or in case all of the heirs are under age it shall be the duty of the administrator of the deceased owner of said property to file in said department a notice, stating the death of said owner and the names of those who have succeeded to his interests, within thirty days after the death of

Owners
and lessees
to file
statement.

the decedent, in case he died intestate, and within thirty days after the probate of his will, if he died testate.

Service of
process.

SEC. 71. Every owner, agent or lessee of a tenement house shall file in the department charged with the enforcement of this act, a notice containing the name and address of such agent of such houses, for the purpose of receiving service of process, and also a description of the property, by street and number or otherwise, as the case may be, in such manner as will enable the department of health to easily find the same. The name of the owner or lessee may be filed as agent for this purpose.

Time of
service.

SEC. 72. Every notice or order in relation to a tenement house shall be served five days before the time for doing the thing in relation to which it shall have been issued.

Summons,
service of.

SEC. 73. In any action brought by any department charged with the enforcement of this act in relation to a tenement house for injunction, vacation of the premises, or other abatement of nuisance, or to establish a lien thereon, it shall be sufficient service of summons to serve the same as notices and orders are served under the provisions of the Code of Civil Procedure.

Must not
be used as
assigna-
tion house.

SEC. 74. A tenement house shall be subject to a penalty of one thousand dollars, if it or any part of it shall be used for the purposes of a house of prostitution or assignation of any description, with the permission of the owner thereof, or his agent, and said penalty shall be a lien upon the house and the lot upon which the house is situated.

When to be
deemed so
used.

SEC. 75. A tenement house shall be deemed to have been used for the purposes specified in the last section with the permission of the owner or lessee thereof, if summary proceedings for the removal of the tenants of said tenement house, or so much thereof as is unlawfully used, shall not have been commenced within five days after notice of such unlawful use, served by the department charged with the enforcement of this act in the manner prescribed by law for the service of notices and orders in relation to tenement houses.

Evidence.

SEC. 76. In a prosecution against an owner or agent of a tenement house under section 647 of the Penal Code, or in an action to establish a lien under section 74 of this act, the general reputation of the premises in the neighborhood shall be competent evidence, but shall not be sufficient to support a judgment without corroborative evidence, and it shall be presumed that their use was with the permission of the owner or lessee; *provided* that such presumption may be rebutted by evidence.

Who styled
as
defendant.

SEC. 77. Said action shall be brought against the tenement house as defendant. Said house may be designated in the title of the action by its street and number or in any other method sufficiently precise to secure identification. The property shall be described in the complaint. The plaintiff, except as hereinafter provided, shall be any department charged with the enforcement of this act.

SEC. 78. Said action shall be brought in the superior court in the county or city and county in which the property is situated. At, or before the commencement of the action, the complaint shall be filed in the office of the clerk of the county or city and county, together with a notice of the pendency of the action, containing the names of the parties, the object of the action, and a brief description of the property affected thereby.

Where
action
shall be
brought.

SEC. 79. The judgment in such action, if in favor of the plaintiff, shall establish the penalty sued for as a lien upon said premises, subject only to taxes, assessments, and to such mortgage and mechanics' liens as may exist thereon prior to the filing of the notice of pendency of the action.

Judgment.

SEC. 80. All statutes of the state and ordinances of incorporated towns, incorporated cities and cities and counties so far as inconsistent with the provisions of this act, are hereby repealed; *provided*, that nothing in this act contained shall be construed as repealing or abrogating any present law or ordinance in any incorporated towns, incorporated city or city and county of the state, further restricting or prohibiting the occupation of cellars, or increasing the amount of air space to each individual occupying a room, or as prohibiting any further ordinance with respect thereto.

Statutes
inconsis-
tent
repealed.

SEC. 81. Except as herein otherwise provided, every tenement house shall be constructed and maintained in conformity with the existing law, but no ordinance, regulation or ruling of any municipal authority shall modify or dispense with any provisions of this act.

Ordi-
nances
shall not
modify
act.

SEC. 82. Every person desiring to construct a tenement house shall obtain a permit from the department charged with the enforcement of this act, for which he shall pay into the general fund of said incorporated town, incorporated city or city and county the sum of ten (10) cents for each one thousand cubic feet or fractional part thereof contained therein. No permit to be issued for less than three dollars (\$3.00). Every owner or lessee of a tenement house shall obtain at the beginning of each year a license from the department charged with the enforcement of this act, for which he shall pay the following sums: For a house accommodating not more than five families \$1.00, for each additional five families \$1.00 for each fiscal year. Such moneys shall be paid into the general fund of said incorporated town, incorporated city or city and county.

Permits
for con-
struction.

CHAPTER 626.

An act to amend sections 18 and 19 of an act entitled "An act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11th, 1889 and as amended by act approved February 27th, 1893; all relating to commitments to, or paroles and discharges from, said school.

[Approved April 16, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

School of
Industry.

SECTION 1. That section 18 of an act entitled "An act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11th, 1889 and as amended by act approved February 27th, 1893, is amended to read as follows:

Paroles.

Section 18. There shall be established in said school a system of marking and grading upon merit or attainments in school and shop and general conduct, by which the boy committed under this act may work out his way to parole and honorable discharge. When in the opinion of the superintendent a boy, by the regulations established for that purpose, has earned the right to a parole, he shall cause to be obtained a reputable home or place of employment where said boy may be employed and earn a living by honorable labor, and then shall recommend said boy to the board for parole, and if the board is satisfied that it is for the welfare of such boy to be paroled, it shall grant such parole under such condition as it may deem best, which shall be continued until such boy has proved his ability for honorable self-support when he shall, upon the recommendation of the superintendent, be honorably discharged. Any boy who, while on parole, violates the conditions of the parole may be returned to said school.

SEC. 2. Section 19 of said act is hereby amended to read as follows:

Incorrigible boys.
return of
to court.

Section 19. Any boy committed to said school who, after due trial, is found to be, in the opinion of the superintendent, incapable of reformation or so morally deficient or incorrigible as to render his retention detrimental to the interests of said school, or when it is ascertained by good and sufficient evidence that said boy has misrepresented his age to the court who sentenced him, or has been previously convicted of a felony, he may recommend such boy to the board for return to the said court, and if the board is satisfied that it is for the best interests of the school that such boy be returned, it shall so cause him to be returned to the said court, and it shall be lawful for said court to annul and set aside the previous commitment to said Preston School of Industry and resume proceedings where the same were suspended when such commitment was made.

CHAPTER 627.

An act to amend section twenty hundred and twenty-four of the Code of Civil Procedure of California, relating to taking depositions out of the state.

[Approved April 16, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2024 of the Code of Civil Procedure is hereby amended to read as follows:

2024. The desposition of a witness out of this state may be taken upon a commission issued from the court under the seal of the court, upon an order of the court, or a judge or a justice thereof, on the application of either party, upon five days' previous notice to the other. If the court is a justices' court, the commission must have attached to it a certificate of the clerk of the superior court of the county in which such justices' court is held, under the seal of such superior court, to the effect that the person issuing the same was an acting justice of the peace at the date of the commission. If issued to any place within the United States it may be directed to a person agreed upon by the parties, or if they do not agree, to any notary public, judge or justice of the peace or commissioner selected by the court or judge or justice issuing it. If issued to any country out of the United States, it may be directed to a minister, ambassador, consul, vice-consul, or consular agent of the United States in such country. or to any person agreed upon by the parties.

Deposition
of wit-
nesses out
of state,
how taken.

CHAPTER 628.

An act to amend section twenty hundred and twenty of the Code of Civil Procedure, of California relating to taking testimony of a witness out of the state.

[Approved April 16, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section twenty hundred and twenty of the Code of Civil Procedure, is hereby amended to read as follows:

2020. The testimony of a witness out of this state may be taken by deposition in the following cases:

Testimony
of witness
out of
state.

1st. In an action, at any time after the service of summons, or the appearance of the defendant.

2nd. In a special proceeding, any time after a question of fact has arisen therein.

3rd. Where default has been made by any or all of the defendants.

CHAPTER 629.

An act to amend section four hundred and forty-two of the Code of Civil Procedure of California, relating to cross-complaints.

[Approved April 16, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four hundred and forty-two of the Code of Civil Procedure is hereby amended to read as follows:

Cross-complaint.

442. Whenever the defendant seeks affirmative relief against any party to the action, relating to or depending upon the contract or transaction upon which the action is brought, or affecting the property to which the action relates, he may, in addition to his answer, file at the same time, or by permission of the court subsequently, a cross-complaint. The cross-complaint must be served upon the parties affected thereby, and such parties may demur or answer thereto as to the original complaint. If any of the parties affected by the cross-complaint have not appeared in the action, a summons upon the cross-complaint must be issued and served upon them in the same manner as upon the commencement of an original action.

CHAPTER 630.

An act to amend section sixteen hundred and seventy-eight of the Code of Civil Procedure of California, relating to partition or distribution of estates of deceased persons.

[Approved April 16, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1678 of the Code of Civil Procedure is hereby amended to read as follows:

Partition or distribution: shares conveyed to others.

1678. Partition or distribution of the estate may be made as provided in this chapter, although some of the original heirs, legatees, or devisees may have conveyed their shares to other persons, and such shares must be assigned to the person holding the same, in the same manner as they otherwise would have been to such heirs, legatees, or devisees.

CHAPTER 631.

An act to amend section five hundred and fifty-three of the Code of Civil Procedure of California, relating to the attachment of property as security for the satisfaction of judgments.

[Approved April 16, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 553 of the Code of Civil Procedure is hereby amended to read as follows:

553. If the defendant recovers judgment against the plaintiff, and no appeal is perfected and undertaking executed and filed as provided in section 946 of this code, any undertaking received in the action, all the proceeds of sales and money collected by the sheriff, and all the property attached remaining in the sheriff's hands, must be delivered to the defendant or his agent, the order of attachment be discharged, and the property released therefrom.

If defendant recover judgment, duty of sheriff.

CHAPTER 632.

An act to amend section 705 of the Code of Civil Procedure of California, relating to redemption from sheriff's sale.

[Approved April 16, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 705 of the Code of Civil Procedure is hereby amended to read as follows:

705. A redemptioner must produce to the officer or person from whom he seeks to redeem and serve with his notice to the sheriff making the sale, or his successor in office;

What redemptioner must produce to officer.

1. A copy of the docket of the judgment under which he claims the right to redeem, certified by the clerk of the court, or of the county where the judgment is docketed; or, if he redeem upon a mortgage or other lien, a note of the record thereof, certified by the recorder;

2. A copy of any assignment necessary to establish his claim, verified by the affidavit of himself, or of a subscribing witness thereto;

3. An affidavit by himself or his agent, showing the amount then actually due on the lien.

CHAPTER 633.

An act to amend section 850 of the Code of Civil Procedure of California relating to notice of trial or hearing thereof in justices' courts.

[Approved April 16, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 850 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Notice of trial in justices' courts.

850. When all the parties served with process shall have appeared, or some of them have appeared, and the remaining defendants have made default, the justice must fix the day for the trial of said cause, whether the issue is one of law or fact, and give notice thereof to the parties to the action who have appeared, but in case any of the parties are represented by an attorney, then to such attorney. Such notice shall be in writing, signed by the justice, and substantially in the following form (filling blanks according to the facts):

Form of notice.

In the justice court, township (or city, or city and county), county, or city and county of State of California plaintiff, vs. defendant.

To, plaintiff, or, attorney for plaintiff, and to, defendant, or,, attorney for defendant.

You and each of you will please take notice that the undersigned justice of the peace before whom the above-entitled cause is pending, has set for hearing the demurrer of filed in said cause (or has set the said cause for trial, as the case may be), before me at my office in said township (or city, or city and county), at o'clock M., on the day of 19....

Dated this day of 19.... (Signed)

Justice of the Peace.

Service.

Said notice shall be served by mail or personally. When served by mail the justice of the peace shall deposit copies thereof in a sealed envelope in the post office at least ten days before the trial or hearing addressed to each of the persons on whom it is to be served at their place of residence and the postage prepaid thereon; provided that such notice shall be served by mail only when the person on whom service is to be made, resides out of the county in which said justices' court is situated, or is absent therefrom. When personally served said notice shall be served at least five days before the trial or hearing on the persons on whom it is to be served by any person competent and qualified to serve a summons in a justice's court, and when personally served it shall be served returned and filed in like manner as a summons. The justice shall

enter on his docket the date of trial or hearing; and when such notice shall have been served by mail the justice shall enter on his docket the date of mailing such notice, of trial or hearing and such entry shall be prima facie evidence of the fact of such service. The parties are entitled to one hour in which to appear after the time fixed in said notice, but are not bound to remain longer than that time unless both parties have appeared and the justice being present is engaged in the trial of another cause.

Appear-
ance.

CHAPTER 634.

An act to define personal property brokers and regulate their charge and business.

[Approved April 16, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. That every person or corporation engaged in the business of loaning or advancing money or other thing and taking in whole or in part as security for such loan or advance any chattel mortgage, bill of sale or other obligation or contract involving the forfeiture of rights in or to personal property, the use or possession of which is retained by other than the mortgagee or lender, or engaged in the business of loaning or advancing money or other thing, and taking either in whole or in part as security therefore any lien on, assignment of or power of attorney relative to wages, salary, earnings, income or commissions, shall be held, and, for the uses and purposes of this act, is hereby declared and defined to be a personal property broker.

Personal
broker
defined.

SEC. 2. Such personal property broker may charge, receive and collect a benefit or percentage upon money or other thing advanced, or for the use and forbearance thereof, of five per centum per month where such loan or advance is made upon security properly falling within the scope of business as set forth in section one hereof.

Percentage
that may
be charged.

SEC. 3. No further or other charges either for recording, insuring or examining the security or property, or for the drawing, executing or filing of papers, or for any services or upon any pretext whatsoever beyond the aforesaid charge for interest or discount shall be asked, charged, or in any way received, where the same would thereby make a greater charge for the money or thing advanced than the aforesaid rate of five per centum per month, and where made, all such charges shall be considered and be of the same effect as so much added interest; *provided, however*, that with the consent of the borrower he may be required to pay the fees or charges actually.

Further
charges
forbidden.

Exception

expended where the same are made necessary by law to give full legal effect to any instrument given hereunder.

Excess of
legal rate
forbidden.

SEC. 4. No contract of any kind or nature made by any personal property broker which comes within the scope of business as set forth in section one hereof, or which in any way involves any security given to secure the performance of such contract, shall be valid or of any force, virtue or effect, either at law or in equity, if there is therein or thereon directly or indirectly charged, accepted or contracted to be received or paid, either in money, goods, discount, or thing in action, or in any other way, a greater benefit, rate of discount, or interest than the rate of five per centum per month; and if a greater benefit, rate of discount or interest than five per centum per month is directly or indirectly advanced or paid upon any such contract as is in this section designated, the excess above the said rate of five per centum per month so advanced or paid may be demanded and recovered by the person or his legal representatives or assigns who advanced or paid the same from the person or corporation either to whom or for whose use or benefit such payment or advance or any part thereof was made.

Loan
tickets.

SEC. 5. Whenever a loan or advance shall be made, renewed or extended, hereunder there shall be given to the borrower a ticket or memorandum plainly inscribed with the name of the person or corporation making the loan, and members or general partners of the same if it be a firm, partnership or association, and further designating the number and nature of the instruments taken as security, the number of notes and amount of each, and the name of the party or parties in whose favor each of the aforesaid papers are executed, when the same are payable, the amount actually advanced thereon, the amount including all interest and expenses charged or to be paid for such loan or advance, and copies of sections two three and four of this act.

Violation
of act, pen-
alty for.

SEC. 6. The failure of any person or corporation, or any employee, employees, agent, agents, representative or representatives making, renewing or extending a loan or advance properly falling within the scope of business as set forth in section one of this act to comply with any or any part of the provisions of section five hereof, shall be punishable by a fine of not to exceed fifty dollars for the first offense. and by a fine of not to exceed two hundred dollars for each subsequent offense.

CHAPTER 635.

An act to amend section 268 of the Political Code of California relative to the salaries of officers and employecs of the senate and assembly.

[Approved April 16, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section two hundred and sixty-eight of the Political Code of California is hereby amended to read as follows:

268. There shall be paid to the officers and employecs of the senate the following salaries: To the secretary, ten dollars per day; to the sergeant-at-arms eight dollars per day. to one assistant secretary, who shall be clerk of the committee on printing, nine dollars per day, to the assistant secretaries, minute clerk, assistant minute clerks, journal clerk, engrossing and enrolling clerk, and history clerk, each, six dollars per day; to the assistant sergeant-at-arms, bookkeeper to sergeant-at-arms, assistant journal clerks, assistant engrossing and enrolling clerks, assistant history clerk, and assistant at desk, each five dollars per day; to the chaplain, four dollars per day; to the stenographers, each, five dollars per day; to the bill clerks, committee clerks, excepting the one clerk of the judiciary committee and one clerk of the finance committee, shall receive each six dollars per day; postmaster, assistant postmaster, bill filers, cloakroom clerk, and press mailing clerks, each four dollars per day; to the mail carriers, gatekeepers, doorkeepers, messengers to the printer, porters, watchman, and janitress to the ladies' cloakroom, each, three dollars per day; to each page two dollars and fifty cents per day.

Per diem of officers and employecs of senate.

There shall be paid to the officers and employees of the assembly the following salaries: To the clerk, ten dollars per day; to the sergeant-at-arms eight dollars per day; to one assistant clerk, who shall be clerk of the committee on public printing, nine dollars per day; to the assistant clerks, minute clerk, assistant minute clerks, journal clerk, engrossing and enrolling clerk, file clerk, and history clerk, each, six dollars per day; to the assistant sergeant-at-arms, bookkeeper to sergeant-at-arms, clerk to the sergeant-at-arms, assistant journal clerk, assistant engrossing and enrolling clerks, and stenographers, each, five dollars per day; to the committee clerks, except that one clerk of the ways and means committee and one clerk of the judiciary committee shall each receive six dollars per day, chaplain, bill clerk, assistant bill clerks, postmaster, assistant postmaster, bill filers, engineer, and electrician, each, four dollars per day; to the mail carrier, gatekeepers, doorkeepers, messenger to the printer, porters, elevator attendant, fireman, sergeant-at-arms for the ways and means committee, sergeant-at-arms for the judiciary committee, janitress and watchman, each three dollars per day; to each page, two dollars and fifty cents per day.

Per diem of officers and employecs of assembly.

CHAPTER 636.

An act to amend section three thousand and five of the Civil Code of the State of California, relating to the sale of pledged property.

[Approved April 16, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3005 of the Civil Code is hereby amended to read as follows:

Sale of
pledged
property.

3005. The sale by pledgee, of property pledged, must be made by public auction, in the manner and upon the notice of sale of personal property under execution.

CHAPTER 637.

An act to amend section twelve hundred and sixty-five of the Civil Code of the State of California, relating to the tenure by which homestead is held.

[Approved April 16, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1265 of the Civil Code is hereby amended to read as follows:

Home-
stead,
tenure by
which
held.

1265. From and after the time the declaration is filed for record, the premises therein described constitute a homestead. If the selection was made by a married person from the community property, or from the separate property of the spouse making the selection or joining therein, the land so selected on the death of either spouse, vests in the survivor, subject to no other liability than such as exists or has been created under the provisions of this title; in other cases, upon the death of the person whose property was selected as a homestead, it shall go to his heirs or devisees, subject to the power of the superior court to assign the same for a limited period to the family of the decedent; but in no case shall it be held liable for the debts of the owner, except as provided in this title.

CHAPTER 638.

An act to add a new section to the Penal Code of California to be numbered 632b, relating to fishing with salmon roe or steelhead roe as bait.

[Approved April 16, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code of California, to be numbered 632b and to read as follows:

632b. Every person who at any time takes, catches or kills any steelhead trout, or any other variety of trout, by using salmon roe, or steelhead roe as bait in any of the waters of this state other than salt or brackish waters, or who has in his possession, any steelhead trout, or other trout that were taken, caught, or killed, by using such salmon roe or steelhead roe as bait in said waters, is guilty of a misdemeanor.

Salmon or steelhead roe as bait prohibited.

CHAPTER 639.

An act to amend section 300a of the Civil Code of the State of California, relating to corporations.

[Approved April 16, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 300a of the Civil Code is hereby amended to read as follows:

300a. Every corporation which has changed its name under the provisions of sections one thousand two hundred and seventy-five, one thousand two hundred and seventy-six, one thousand two hundred and seventy-seven, one thousand two hundred and seventy-eight, and one thousand two hundred and seventy-nine of the Code of Civil Procedure, must file in the office of secretary of state and in the office of the county clerk of each county in which the original articles or certified copies thereof are required by law to be filed, a certified copy of the decree of the court changing such name.

Change of name, copy of decree to be filed, where.

CHAPTER 640.

An act to add a new section to the Code of Civil Procedure of California to be numbered section 1019 relating to the service of pleadings and papers in actions for divorce.

[Approved April 16, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure of California, to be numbered section one thousand and nineteen, and to read as follows:

Service of
pleadings
when
adultery is
charged.

1019. When in an action of divorce adultery is charged against either party and the person with whom such adultery is alleged to have been committed by such party is named in any of the pleadings, a copy of such pleadings must be personally served on such named person; or, in case such named person can not be found, such notice of the action and of the connection of such person therewith shall be given as shall be ordered by the court; the said person so served shall have the right to appear and plead and be heard in such action in the same manner and to the same extent as the parties to the action.

CHAPTER 641.

An act relating to ferries across rivers and streams wholly within one county, and empowering the boards of supervisors of such county to purchase, establish and maintain ferries across such rivers or streams and to pay the expenses thereof.

[Approved April 16, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Free
ferries.

SECTION 1. Whenever the board of supervisors of any county within the State of California shall deem it advisable and for the best interests of the public that the county own and operate any ferry within such county, such board may purchase, establish and operate a ferry or ferries across any stream or river within said county and may operate the same as a free ferry or ferries.

Payment
of
expenses.

SEC. 2. Such board of supervisors is hereby empowered to acquire landing places for such ferry or ferries on the banks of such river or stream and may pay the expenses of establishing and operating said ferry or ferries out of the general road fund

of said county; *provided, however*, that no supervisor or his bondsmen shall be responsible for the payment of damages incurred by any person while traveling on such ferry.

SEC. 3. This act shall take effect from and after its passage.

CHAPTER 642.

An act to amend an act entitled "An act to establish police courts in cities of the second class, to fix their jurisdiction and to provide for officers of said court, and to fix the compensations of said officers thereof," approved March 21st, 1905, by repealing section 7 thereof.

[Approved April 16, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 7 of an act entitled "An act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said courts, and to fix the compensations of said officers thereof," approved March 21st, 1905, is hereby repealed.

Repeal of
section 7
of act of
1905.

CHAPTER 643.

An act to amend section eleven hundred and twenty-six of the Code of Civil Procedure of California.

[Approved April 16, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section eleven hundred and twenty-six of the Code of Civil Procedure is hereby amended to read as follows:

1126. Either party, aggrieved by the judgment of the court, may appeal therefrom to the district court of appeal, as in other cases of appeal thereto from the superior court; *provided*, that during the pendency of proceedings on appeal, and until final determination of such proceedings, the person declared elected by the superior court shall be entitled to the office in like manner as if no appeal had been taken. Appeal.

CHAPTER 644.

An act to amend section seventeen hundred and seventy-one of the Political Code of the State of California relative to the powers of the county board of education.

[Approved April 17, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section seventeen hundred and seventy-one of the Political Code of California is hereby amended to read as follows:

1771. County boards of education have power:

County boards of education, general powers of.

1. To adopt rules and regulations, not inconsistent with the laws of this state, for their own government.

2. To prescribe and enforce rules for the examinations of teachers, to examine applicants for elementary school certificates and special certificates, and to establish a standard of proficiency which will entitle the person examined to a certificate.

3. To grant, in accordance with sections seventeen hundred and seventy-two and seventeen hundred and seventy-five of this code, the following certificates, renewable at the option of the board:

a. Secondary school certificates, authorizing the holders to teach in any secondary school in the county, or in any elementary school in the county.

b. Elementary school certificates, authorizing the holders to teach in any elementary school in the county.

c. Kindergarten-primary certificates, authorizing the holders to teach in the kindergarten class of any elementary school in the county.

d. Special certificates, authorizing the holders to teach in the schools of the county such special branch or branches of learning and in such grades as are named in such certificates.

4. To grant, in accordance with subdivision four of section seventeen hundred and seventy-five of this code, permanent certificates of the grade and kind designated therein. Every certificate that is not a permanent certificate shall be valid for six years; *provided*, that when any certificate shall be granted on a recommendation that has been given for a limited period only, such certificate shall not be valid for a longer period than that specified in the recommendation. All certificates must be issued upon the blank forms prepared by the superintendent of public instruction, and must have the impress of the seal of the board.

5. To adopt a list of books and apparatus for district school libraries and books for supplementary use in elementary schools in their respective counties and cities and counties, as required by section seventeen hundred and twelve of the Political Code; *provided*, that no pupil shall be required to purchase said supplemental books, and pupils must be expressly notified

by teachers that it is not required or desirable that such books for such supplemental use be purchased by pupils or parents. When supplemental books are purchased they must be paid for by the school district. Except in cities having a city board of education, to prescribe and enforce in the public schools a course of study and the use of a uniform series of text-books.

County
boards of
education,
general
powers of.

6. To revoke or suspend for immoral or unprofessional conduct, evident unfitness for teaching, or persistent defiance of, and refusal to obey the laws regulating the duties of teachers, the certificates granted by them. But no certificate shall be revoked or suspended until after a hearing before the county board of education, and then only upon the affirmative vote of at least four members of the board. All charges of immoral or unprofessional conduct, of evident unfitness for teaching, or persistent defiance of, and refusal to obey the laws regulating the duties of teachers, shall be presented to the board in writing and shall be verified under oath. Notice of the time of hearing and a full and complete copy of the charges shall be furnished to the accused at least ten days before the hearing. The accused shall be given a fair and impartial hearing, and shall have the right to be represented by counsel. The hearing shall be governed by and conducted under the rules of the board.

7. To keep a record of their proceedings.

8. To issue diplomas of graduation from any of the public elementary schools of the county, except in cities having boards of education, which diplomas shall be designed by the superintendent of public instruction, and to be distributed as other blanks from his office. Said diplomas of graduation shall be signed by the president and secretary of the county board of education.

9. To adopt and use, in authentication of their acts, an official seal, and to have such printing done as may be necessary in the discharge of their duties.

CHAPTER 645.

An act to amend section one hundred and ninety-nine of the Code of Civil Procedure of California, relating to persons not competent to act as jurors.

[Approved April 17, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one hundred and ninety-nine of the Code of Civil Procedure, is hereby amended to read as follows:

199. A person is not competent to act as a juror:

1. Who does not possess the qualifications prescribed by the preceding section;

Juror, who
not
competent
to act as.

2. Who has been convicted of malfeasance in office or any felony or other high crime; or

3. Who has been discharged as a juror by any court of record in this state within a year, as provided in section two hundred of this code, or who has been drawn as a grand juror in any such court and served as such within a year and been discharged;

4. A person who is serving as a grand juror in any court of record in this state is not competent to act as a trial juror in any such court.

And a person who is serving as a trial juror in any court of this state is not competent to act as a grand juror in any such court.

SEC. 2. This act shall take effect June 1, 1909.

CHAPTER 646.

An act to prevent the propagation of disease through contamination of the atmosphere by gases or fumes arising from crematories for the disposition of garbage, ashes, offal, and other refuse matter, and to prescribe penalties.

[Approved April 17, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Operation
of garbage
crema-
tories.

SECTION 1. No person, firm, company or corporation shall operate within any city, city and county or town of this state any crematory for the destruction by fire heat, of garbage, ashes, offal, or other refuse matter, except as hereinafter provided for.

Contami-
nation of
atmos-
phere.

SEC. 2. No such crematory shall be operated in this state except in such a manner as will prevent the propagation of disease through contamination of the atmosphere of any city, city and county or town by the gases or fumes arising from the fires or ovens of any such crematory operated for the destruction by fire heat, of garbage, ashes, offal, and other refuse matter.

Misde-
meanor.

SEC. 3. Every such person, firm, company or corporation, or officer, agent, or employee of such corporation, which burns by fire heat or destroys by cremation any such garbage, ashes, offal, and other refuse matter, in violation of the provisions of this act, shall be guilty of a misdemeanor.

CHAPTER 647.

An act to add a new section to the Penal Code of the State of California, to be known as section 1426a, relating to the time within which prosecutions for misdemeanor may be commenced.

[Approved April 17, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section, to be numbered and known as Section 1426a, is hereby added to the Penal Code, to read as follows:

1426a. A complaint for any misdemeanor triable in a justices' or police court must be filed within one year after its commission. Complaint for misdemeanor.

CHAPTER 648.

An act to form agricultural districts, to provide for the formation, organization and powers, of agricultural associations therein and for the management and control of the same by the state, and repealing all acts and portions of acts in conflict with this act.

[Approved April 17, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The several counties of this state are divided and classified into agricultural districts, and numbered as follows, to wit: Agricultural districts, numbers of.

The counties of San Francisco and Alameda shall constitute agricultural district No. 1.

The county of San Joaquin shall constitute agricultural district No. 2.

The county of Butte shall constitute agricultural district No. 3.

The counties of Sonoma and Marin shall constitute agricultural district No. 4.

The counties of San Mateo and Santa Clara shall constitute agricultural district No. 5.

The county of Los Angeles shall constitute agricultural district No. 6.

The county of Monterey shall constitute agricultural district No. 7.

The county of El Dorado shall constitute agricultural district No. 8.

Agricultural districts, numbers of.

The county of Humboldt shall constitute agricultural district No. 9.

The county of Siskiyou shall constitute agricultural district No. 10.

The counties of Plumas and Sierra shall constitute agricultural district No. 11; *provided*, that the first fair held in the eleventh agricultural district after the passage of this act shall be held in Sierra county; the next fair in Plumas county, and thereafter said counties shall so alternate in holding such fairs.

The counties of Lake and Mendocino shall constitute agricultural district No. 12.

The counties of Sutter and Yuba shall constitute agricultural district No. 13.

The county of Santa Cruz shall constitute agricultural district No. 14.

The county of Kern shall constitute agricultural district No. 15.

The county of San Luis Obispo shall constitute agricultural district No. 16.

The county of Nevada shall constitute agricultural district No. 17.

The counties of Mono, Inyo, and Alpine shall constitute agricultural district No. 18.

All that portion of Santa Barbara county lying east of the Gaviota and south of the Santa Ynez mountains, shall constitute agricultural district No. 19.

The county of Placer shall constitute agricultural district No. 20.

The counties of Fresno and Madera shall constitute agricultural district No. 21.

The county of San Diego shall constitute agricultural district No. 22.

The county of Contra Costa shall constitute agricultural district No. 23.

The counties of Tulare and Kings shall constitute agricultural district No. 24.

The county of Napa shall constitute agricultural district No. 25.

The county of Amador shall constitute agricultural district No. 26.

The counties of Shasta and Trinity shall constitute agricultural district No. 27.

The counties of San Bernardino and Riverside shall constitute agricultural district No. 28.

The county of Tuolumne shall constitute agricultural district No. 29.

The county of Tehama shall constitute agricultural district No. 30.

The county of Ventura shall constitute agricultural district No. 31.

The county of Orange shall constitute agricultural district No. 32.

The county of San Benito shall constitute agricultural district No. 33. Agricultural districts, numbers of.

The county of Modoc shall constitute agricultural district No. 34.

The counties of Merced and Mariposa shall constitute agricultural district No. 35.

The county of Solano shall constitute agricultural district No. 36.

All that portion of Santa Barbara county not included in agricultural district No. 19 shall constitute agricultural district No. 37.

The county of Stanislaus shall constitute agricultural district No. 38.

The county of Calaveras shall constitute agricultural district No. 39.

The county of Yolo shall constitute agricultural district No. 40.

The county of Del Norte shall constitute agricultural district No. 41.

The county of Glenn shall constitute agricultural district No. 42.

The county of Lassen shall constitute agricultural district No. 43.

The county of Colusa shall constitute agricultural district No. 44.

The county of Imperial shall constitute agricultural district No. 45.

SEC. 2. Any fifty or more persons residents of a majority of the counties embraced within any of the above districts may form an association for the purpose of holding fairs, exhibitions and exhibitions of all of the industries and industrial enterprises, resources and products of every kind or nature of the state with a view of improving, exploiting, encouraging and stimulating the same. Formation of associations.

SEC. 3. The officers of such association shall consist of eight directors to be appointed by the governor of the State of California who shall constitute a district board of agriculture for said district; *provided however*, where two or more counties shall constitute an agricultural district, each county shall be represented in the district board of directors by at least two resident citizens, as directors in said board; *provided*, that when by reason of the formation of a new agricultural district, a director of one district becomes a resident of another, his term of office as director will expire in sixty days after the formation of the new agricultural district. Officers.

SEC. 4. After the formation of an agricultural association within any of the districts above constituted in accordance with the provisions of this act, and notice of such formation to the governor, the governor shall appoint eight resident citizens of such district as members of a district board of agriculture for said district whose term of office shall be four years, except as hereinafter provided; and thereafter there shall be two members of said board appointed in the same manner Appointment of directors.

every year whose term of office shall continue four years, and until their successors are appointed and qualified.

Terms of office.

SEC. 5. Within ten days after their appointment the members of the board shall, by lot or otherwise, classify themselves into four classes of two members each. The term of office of the first class shall expire at the end of the first fiscal year, the second class at the end of the second fiscal year, the third class at the end of the third fiscal year and the fourth class at the end of the fourth fiscal year; *provided* that all officers of agricultural districts now in office, under any law heretofore passed, shall hold office for the term for which they were appointed, except in cases specified in section 3 of this act. And the agricultural associations heretofore established shall be continued in force, and are made agricultural associations under this act.

Organization.

SEC. 6. The fiscal year shall be from December 1st to December 1st, and the persons so appointed shall qualify as required by the constitution, and shall meet at a place within the district and organize by the election of one of their number as president of the board, who shall hold said office of president one year and until his successor is elected; they shall also elect a secretary and treasurer not of their number.

Name of association, and powers.

SEC. 7. Each association so formed and organized is hereby declared and shall be recognized as a state institution, and shall be known and designated by the name of

..... district agricultural association, and by such name and style shall have perpetual succession and shall have power to contract, to sue and to be sued, to have a seal, to purchase, to hold and lease real estate and personal property, and may sell, lease, beautify, improve and dispose of the same, and do any and all acts and things necessary to carry out the objects and purposes for which said associations are formed; and the board so appointed and qualified shall have the exclusive control and management of such institution, for and in the name of the state, and shall have possession and care of all the property of the association and shall fix the term of office and the bonds of the secretary and treasurer and determine their salaries and duties. They shall have the power to make all necessary by-laws, rules and regulations for the government of the association and the management of its prudential and financial affairs. They may provide for a fair, exposition or exhibition by the association of all industries and industrial products in the district or state, at such time and place as they deem advisable; *provided*, that the state, shall in no event, be liable for any premium offered or award made, or on account of any premium offered or award made, or on account of any contract made by any district board of agriculture or agricultural association; *provided however*, that any such agricultural association having a speedway or race course upon any lands owned by it, or under its control, shall maintain the same for the purpose of holding speed contests and training and speeding horses thereon.

SEC. 8. Whenever such association shall have been formed within any of the districts provided for, and it is proposed to

hold an agricultural fair in said district, the secretary of the board of directors of the district, shall notify the state board of agriculture of the said intention, and shall also forward to the board of agriculture a list of the articles upon which premiums are to be paid and the amount upon each item, and the said board shall have the power to advance to said association a sum not exceeding five thousand dollars (\$5,000) to pay said premiums out of any money that may have been appropriated to the said state agricultural society for that purpose, and which may at the time be available; *provided, however*, that no one district shall receive such aid for more than one fair in any one year.

Advances
from state
association.

SEC. 9. The fairs or exhibitions to be given by the district agricultural association shall be held at such place or places within such districts, as the board of directors of the said district may select. But only one of such district fairs shall receive state aid in any district during any given year, and the money provided by the state as premium money shall be applied to exhibits at this one fair; *provided however*, whenever the board of directors of two or more agricultural districts shall, by a majority vote of each board, elect to unite, the several districts may associate and combine as one district, and hold a fair in any of said districts that may be agreed on by the boards of directors of said associations so combining, and may for such purpose draw the appropriation for all the said districts, and expend the same for said fair.

State aid.

SEC. 10. The directors of such agricultural district herein created shall each year make a full and complete report of all transactions of the said association to the state board of agriculture.

Reports to
state asso-
ciation.

SEC. 11. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 12. This act shall take effect immediately from and after its passage.

CHAPTER 649.

An act to prevent any minor under the age of eighteen years visiting any prize fight, cock fight, or place where any prize fight or cock fight is advertised or represented to take place and to provide a punishment therefor.

[Approved April 17, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be unlawful for any minor under the age of sixteen years to visit or attend any prize fight, cock fight, or place where any prize fight, cock fight, or place where any prize fight or cock fight is advertised to take place.

Minors
under
sixteen
shall not
visit prize
fight.

Minors
under
eighteen
not to be
admitted.

SEC. 2. It shall be unlawful for the owner, lessee or proprietor, or the agent of any owner, lessee or proprietor of any place where any prize fight or cock fight is advertised or represented to take place to admit any minor under the age of eighteen years to such place where any prize fight or cock fight is advertised or represented to take place; or to admit, or to sell or give away to any such minor a ticket or other paper by which said minor might be admitted to such place where such prize fight or cock fight is advertised to take place.

Misdemeanor.

SEC. 3. Every person violating any of the provisions of the preceding sections is guilty of a misdemeanor, and shall be punished by a fine of not exceeding fifty dollars, or be imprisoned in county jail not more than twenty-five days.

CHAPTER 650.

An act to amend sections three hundred and fifty-three, four-hundred and twenty-five, and fourteen hundred and twenty-seven of the Political Code, all relating to regents of the University of California.

[Approved April 17, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section three hundred and fifty-three of the Political Code is hereby amended to read as follows:

Regents of
the state
university,
who are.

353. The governor, lieutenant-governor, speaker of the assembly, superintendent of public instruction, president of the State Board of Agriculture, president of the Mechanics' Institute of San Francisco, president of the University of California, and president of the alumni association of the University of California, are ex officio regents of the University of California. The appointment and terms of office of the other regents are provided for in chapter I, of title III, of part III of this code.

SEC. 2. Section fourteen hundred and twenty-five of the Political Code is hereby amended to read as follows:

Control of
university.

1425. The university is under the control of a board of regents, consisting of twenty-four members.

SEC. 3. Section fourteen hundred and twenty-seven of the Political Code is hereby amended to read as follows:

Ex officio
members.

1427. Eight members of the board hold by virtue of other offices, as provided in section three hundred and fifty-three.

CHAPTER 651.

An act to amend an act entitled "An act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1380, relating to giving special notices to heirs, devisees, legatees during the administration of estates of decedents.

[Approved April 17, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure of California to be numbered section one thousand three hundred and eighty, and to read as follows:

1380. At any time after the issuance of letters testamentary or of administration upon the estate of any decedent, any person interested in said estate, whether as heir, devisee, or legatee, or the attorney for such heir, devisee, or legatee, may serve upon the executor or administrator (or upon the attorney for the executor or administrator), and file with the clerk of the court wherein administration of such estate is pending, a written request, stating that he desires special notice of any or all of the following-mentioned matters, steps or proceedings in the administration of said estate, to wit:

Request
for special
notice of
proceed-
ings.

- (1) Filing of petitions for sales, leases or mortgages of any property of the estate.
- (2) Filing of accounts.
- (3) Filing of petitions for distribution.
- (4) Filing of petitions for partition of any property of the estate.

Such request shall state the post office address of such heir, devisee, or legatee, or his attorney, and thereafter a brief notice of the filing of any of such petitions or accounts, except petitions for sale of perishable property or other personal property, which will incur expense or loss by keeping, shall be addressed to such heir, devisee, or legatee, or his attorney, at his stated post office address, and deposited in the United States post office with the postage thereon prepaid, within two days after the filing of such petition or account; or personal service of such notices may be made on such heir, devisee, or legatee, or his attorney, within said two days and such personal service shall be equivalent to such deposit in the post office, and proof of mailing or of personal service must be filed with the clerk before the hearing of such petition or account. If upon the hearing it shall appear to the satisfaction of the court that the said notice has been regularly given, the court shall so find in its order or judgment and such judgment shall be final and conclusive upon all persons.

CHAPTER 652.

An act to add a new section to the Code of Civil Procedure of California to be known as section 1789a, relating to conveyances by guardians.

[Approved April 19, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be known as section 1789a and to read as follows:

Comple-
tion of
contracts
for sale of
realty.

1789a. All proceedings for the completion of contracts for the sale of real estate by guardians must be had and made as required by the provisions of this title concerning the conveyance of real estate by executors and administrators under sections fifteen hundred and ninety-seven to sixteen hundred and seven inclusive, of this code, and said sections are hereby made applicable to conveyances by guardians as provided by section 1810a.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

CHAPTER 653.

An act to add a new section to the Code of Civil Procedure of the State of California, to be known as section 1191a, relating to liens upon real estate, where reputed owner, after notice from health officer, or governing board of any city, town or sanitary district, refuses, neglects or fails to connect dwelling house and plumbing with sewer, and work and materials furnished to be held to have been done at the instance of such owner, or person claiming any interest therein.

[Approved April 19, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 1191a, and to read as follows:

Liens upon
real estate
for neglect
to obey
board of
health.

1191a. Any health officer or governing board of any city, town or sanitary district, having served written notice upon the owner or reputed owner of real estate upon which there is a dwelling house, and such owner or reputed owner, after thirty days, having refused, neglected or failed to connect such dwelling house, together with all toilets, sinks, and other plumbing therein, properly vented, and in a sanitary manner, with the adjoining street sewer, may construct the same at a reasonable cost, and the person doing said work at the request

of such health officer or governing board, has a lien upon said real estate for his work done and materials furnished, and such work done and materials furnished shall be held to have been done and furnished at the instance of such owner or reputed owner, or person claiming or having any interest therein.

CHAPTER 654.

An act to amend section 1619 of the Code of Civil Procedure relating to fees of attorneys of executors and administrators.

[Approved April 19, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one thousand six hundred and nineteen of the Code of Civil Procedure is hereby amended to read as follows:

1619. Attorneys for executors and administrators shall be allowed out of the estate as fees for conducting the ordinary probate proceedings the same amounts as are allowed by the last section as compensation for executors and administrators for their own services. In all cases such further allowance may be made as the court may deem just and reasonable for any extraordinary services such as sales or mortgages of real estate, contested or litigated claims against the estate, litigation in regard to the property of the estate, and such other litigation as may be necessary for the executor or administrator to prosecute or defend.

Fees of
Attorneys
for
executors.

CHAPTER 655.

An act to add a new section to the Penal Code to be numbered section 413 1-2, relating to sparring exhibitions and prize fights.

[Approved April 19, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code to be numbered section 413¹/₂, and to read as follows:

413¹/₂. Any incorporated club holding or conducting a sparring exhibition as described in section 412 of this code on Memorial Day—May 30,—shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Sparring
exhibi-
tions on
Memorial
Day
forbidden.

SEC. 2. This act shall take effect immediately.

CHAPTER 656.

An act to amend sections 15, 16, 16a, 16c, 16d, 16e, 19, 20, and 28, and to repeal sections 17, 18, 21, 21, 25, 27 and 29, and to add a new section thereto, to be numbered section 17, and to re-number the sections so that they may follow consecutively, of an act entitled "An act to establish a school for the discipline, education, reformation and protection of juvenile delinquents, in the State of California, to be known as the Whittier State School," approved March 11th, 1889, and amended March 23rd, 1893, and March 7th, 1905, and February 7th, 1907; all relating to commitments to, and paroles and discharges from, the said Whittier State School.

[Approved April 19, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Whittier
State
School.

SECTION 1. Section 15 of an act entitled "An act to establish a school for the discipline, education, reformation and protection of juvenile delinquents, in the State of California, to be known as the Whittier State School," approved March 11th, 1889, and amended March 23rd, 1893, and March 7th, 1905, and February 7th, 1907, is hereby amended to read as follows:

Age of
boys and
girls
subject to
admission.

Section 15. Whenever said institution shall have been so far completed as to properly admit of the reception of inmates therein, the governor shall make due proclamation of the fact, and thereafter it shall be lawful for said board of trustees to receive into its care and guardianship, boys between the ages of eight and nineteen years, and girls between the ages of eight and eighteen years, committed to its custody, as hereinafter provided.

SEC. 2. Section 16 of said act is hereby amended to read as follows:

For what
offenses
may be
com-
mitted.

Section 16. When any boy between the ages of eight and nineteen years, or any girl between the ages of eight and eighteen years, shall be found guilty of any offense punishable by fine or imprisonment, or by both, in any court of competent jurisdiction in the state, and who, in the opinion of the judge thereof, would be a fit subject for training in said school, it shall be lawful for such judge to suspend judgment or sentence, except when the penalty is life imprisonment or death, and commit such boy or girl to the custody and guardianship of said school until he or she shall become twenty-one years of age.

SEC. 3. Section 16a of said act is hereby amended to read as follows:

Truant
children,
commit-
ment of.

Section 16a. Any child between the ages of eight and fourteen years who willfully and habitually absents himself or herself from school contrary to the provisions of an act entitled "An act to enforce the educational rights of children

and providing penalties for violation of the act," approved March 24th, 1903, and as amended by an act approved March 20th, 1905, and as further amended by an act approved March 4th, 1907, may be committed to the custody and guardianship of said school by any superior court judge on the complaint of any peace officer, teacher, parent, guardian or other person, under the same conditions and in the same manner as is provided in section 16 of this act.

Sec. 4. Section 20 of said act is hereby amended to read as follows, and is hereby re-numbered section 16c:

Section 16c. Any judge of any superior court of this state may commit any boy between the ages of eight and nineteen years, or girl between the ages of eight and eighteen years to the custody and guardianship of the said school on the conditions and in the manner following:

Condi-
tions and
manner of
commit-
ment.

1. On the complaint in writing filed and due proof thereof made, by the parent or guardian of said boy or girl, showing that by reason of the incorrigible or vicious conduct of such boy or girl, he or she is beyond the control and power of such parent or guardian.

2. On complaint in writing filed and due proof thereof made, showing that such boy or girl is a proper subject for the care and guardianship of said school, by reason of vagrancy or incorrigible or vicious conduct; or in cases where, from moral depravity or otherwise, the parent or guardian having control of such boy or girl is incapable of exercising, or unwilling to exercise, the proper care or discipline over such boy or girl, and in cases where such boy or girl has no parent, guardian or other protector.

3. On complaint in writing filed and due proof thereof made by the mother, or guardian when the father is dead, or has abandoned his family, or is an habitual drunkard, or does not support his family, and it appears that such boy or girl is destitute of a home and adequate means of obtaining an honest living and is in danger of being brought up to lead an idle or immoral life.

Sec. 5. A new section is hereby added to said act to be known as section 17:

Section 17. In all cases where complaint is made by another than the parent or guardian having the custody of said boy or girl, a citation shall issue requiring the person having custody or control of said boy or girl, or with whom the said boy or girl may be, to appear with him or her at a place and time stated in the citation. Service of such citation must be made at least twenty-four hours before the time stated therein. The parents or guardian of the boy or girl, if residing in the county in which the court sits, and if their places of residence be known to the petitioner, or if there be neither parent or guardian so residing, or if their places of residence be not known to petitioner, then some relative of the boy or girl, if there be any residing in said county, and if his residence and relationship to such boy or girl be known to petitioner, shall be notified of the proceedings by service

Citation to
custodian
of child.

of citation requiring them to appear at the time and place to be stated in such citation. In any case the judge may appoint some suitable person to act in behalf of the boy or girl, and may order such further notice of the proceeding to be given as he may deem proper. If any person, cited as herein provided, shall fail, without reasonable cause, to appear and abide by the order of the court, or to bring the boy or girl, if so required in the citation, such failure shall constitute a contempt of said court and may be punished as provided for in cases of contempt of court. In case any such citation can not be served, or the party served fails to observe the same, and in any case in which it shall be made to appear to the court that such citation shall be ineffectual, a warrant of arrest may issue on the order of the court, either against the parent or guardian, or the person having the custody of the boy or girl, or with whom he or she may be, or against the boy or girl, or any of said persons; or if there be no person to be served with citation as above provided, a warrant of arrest may be issued against the boy or girl immediately. On the return of the citation or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Until the final disposition of any case, the boy or girl may be retained in the possession of the person having charge of the same, or may be kept, upon the order of the court, in some suitable place, provided by the county, or city and county, or may be held otherwise, as the court may direct. In all cases of commitment to said school the same shall be until said boy or girl is twenty-one years of age, and it shall be the duty of the court committing such boy or girl to such school to certify to the superintendent thereof, the date of birth or age of such boy or girl so committed, as nearly as the same can be ascertained by testimony taken under oath either before the court or in such manner as he may direct.

Warrant
for arrest
of parent
or
custodian.

Detention
of child.

Term of
commit-
ment.

SEC. 6. Section 16c of said act is hereby amended to read as follows and is re-numbered section 18:

Discharge
of child.

Section 18. It shall be lawful for the board whenever it may deem any inmate of said institution to have been so far reformed as to justify his discharge, to give him an honorable dismissal and to cause an entry of the reasons for such dismissal to be made in the book of records prepared for that purpose. All persons thus honorably dismissed and all those who have attained the age of twenty-one years shall thereafter be released from all penalties and disabilities resulting from the offences or crimes for which they were committed. Upon the final discharge of any inmate as in this section provided, the superintendent shall immediately certify such discharge in writing and shall transmit the certificate to the court by which such inmate was committed. Said court, thereupon, shall dismiss the accusation and the action pending against said person.

SEC. 7. Section 16d of said act is hereby amended to read as follows and is re-numbered section 19:

Section 19. There shall be established in said school a system of marking and grading upon merit or attainments in school and shop and general conduct, by which the boy or girl committed under this act may work out his or her way to parole and honorable discharge. When in the opinion of the superintendent a boy or girl, by the regulations established for that purpose, has earned a right to a parole, he shall cause to be obtained a reputable home or place of employment where said boy or girl may be employed and earn a living by honorable labor, and then shall recommend said boy or girl to the board for parole, and if the board is satisfied that it is for the welfare of such boy or girl to be paroled, it shall grant such parole under such conditions as it may deem best, which shall be continued until such boy or girl has proved his or her ability for honorable self-support, when he or she shall, upon the recommendation of the superintendent, be honorably discharged. Any boy or girl who, while on parole, violates any of the conditions of the parole may be returned to said school.

Right to parole.

SEC. 8. Section 16e of said act is hereby amended to read as follows, and is re-numbered section 20:

Section 20. Any boy or girl committed to said school who, after due trial, is found to be, in the opinion of the superintendent, incapable of reformation, or so morally deficient or incorrigible as to render his or her retention detrimental to the interests of said school, or when it is ascertained by good and sufficient evidence, that said boy or girl has misrepresented his or her age to the court who sentenced him or her, or has been previously convicted of a felony, he may recommend such boy or girl to the board of trustees for return to the said court and if the said board is satisfied that it is for the best interests of the school that such boy or girl be returned, it shall so cause him or her to be returned to said court, and it shall be lawful for said court to annul and set aside the previous commitment to the said Whittier State School and resume proceedings where the same were suspended when such commitment was made.

Incorrigible children to be returned to court.

SEC. 9. Section 17 of said act is hereby repealed.

SEC. 10. Section 18 of said act is hereby repealed.

Repeal of sections 17 and 18.

SEC. 11. Section 19 of said act is hereby amended to read as follows, and is re-numbered section 21:

Section 21. All minors between the ages of eight and eighteen years who may be accused of any offense under this act shall, with a view to the question whether they ought to be committed to said school, be entitled to a private examination before the court, to which only the parties to the case and the parent or guardian of the accused and such officers of the court as he may direct, and such attorneys as may be engaged in the hearing, shall be admitted, unless one of the parents, the guardian or other legal representative of the minor demands a public trial; in such cases the proceedings shall be in the usual manner.

Private examinations.

Repeal of sections 21, 24, 25, 27.

SEC. 12. Section 21 of said act is hereby repealed.

SEC. 13. Section 24 of said act is hereby repealed.

SEC. 14. Section 25 of said act is hereby repealed.

Section 26 renumbered.

SEC. 15. Section 26 of said act is hereby re-numbered section 24.

SEC. 16. Section 27 of said act is hereby repealed.

SEC. 17. Section 28 of said act is hereby amended to read as follows, and is re-numbered section 25:

Who shall execute writ of commitment.

Section 25. It shall be the duty of the sheriff of any county wherein an order is made or approved by a superior judge committing any minor to said school, to execute any and all writs of commitment issued or approved by said judge, and to receive as compensation therefor such fees as are now or may hereafter be provided by law for the transportation of prisoners to the state prison, *provided*, that in all cases where the commitment shall be made under section 16a, 16b, or 16c, of this act, the parent, guardian, or other protector of such minor may, at his option, and in all cases where he is liable, or where the estate of such minor is sufficient, execute said writ of commitment, after having been duly sworn therefor with like powers and with like effect as the sheriff would possess in such case, but without expense to the state; *and further provided*, that in the case of a minor female committed to said school, and there is no parent, guardian, or other protector of such minor, who, in the opinion of the court, is a proper person to safely conduct such female to said school, that then, in such case, the court shall appoint some suitable woman of satisfactory character and discretion, who shall take the custody of such minor female after her said commitment, and shall forthwith deliver her to said school, and be entitled to the same compensation therefor as is otherwise provided to be paid to the sheriff in all cases where, if such minor were a boy and were by a sheriff delivered to said school, he, the said sheriff, would be entitled to receive compensation, under the terms of this act.

SEC. 18. Section 29 of said act is hereby repealed.

Repeal of section 29. Sections renumbered.

SEC. 19. Section 30 of said act is hereby re-numbered section 26.

SEC. 20. Section 31 of said act, being a new section added by amendment, by an act approved February 7th, 1907, is hereby re-numbered section 27.

SEC. 21. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 22. This act shall take effect from and after its passage.

CHAPTER 657.

An act to amend section six hundred and fifty of the Code of Civil Procedure, relating to bills of exceptions.

[Approved April 19, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 650 of the Code of Civil Procedure is hereby amended to read as follows:

650. When a party desires to have exceptions taken at a trial settled in a bill of exceptions, he may, at any time thereafter, and within ten days after the entry of judgment, if the action was tried with a jury, or after receiving notice of the entry of judgment, if the action was tried without a jury, or such further time as the court in which the action is pending, or a judge thereof, may allow, prepare the draft of a bill, and serve the same, or a copy thereof, upon the adverse party. Such draft must contain all the exceptions and proceedings taken upon which the party relies. It may also contain a statement of any matters occurring upon the trial, in the presence of the court, showing any of the matters mentioned in subdivisions one and two of section six hundred and fifty-seven of this code. Within ten days after such service the adverse party may propose amendments thereto, and serve the same, or a copy thereof, upon the other party. The proposed bill and amendments must, within ten days thereafter, be presented by the party seeking the settlement of the bill, to the judge who tried or heard the case, upon five days' notice to the adverse party, or be delivered to the clerk of the court for the judge. When received by the clerk he must immediately deliver them to the judge, if he is in the county; if he is absent from the county, and either party desires the paper to be forwarded to the judge, the clerk must, upon notice in writing of such party, immediately forward them by mail, or other safe channel; if not thus forwarded the clerk must deliver them to the judge immediately after his return to the county. When received from the clerk, the judge must designate the time at which he will settle the bill, and the clerk must immediately notify the parties of such designation. At the time designated the judge must settle the bill. The bill must thereupon be engrossed and presented to the judge to be certified, by the party presenting it, within ten days. If the action was tried before a referee, the proposed bill, with the amendments, if any, must be presented to such referee for settlement within ten days after service of the amendments, upon notice of five days to the adverse party, and thereupon the referee must settle the bill. If no amendments are served, or if served are allowed, the proposed bill may be presented, with the amendments, if any,

Bill of exceptions, preparation and settlement of.

When referee must settle.

to the judge or referee, for settlement without notice to the adverse party.

Redun-
dant
matter.

It is the duty of the judge or referee, in settling the bill, to strike out of it all redundant and useless matter so that the exceptions and proceedings may be presented as briefly as possible. When settled, the bill must be signed by the judge or referee, with his certificate to the effect that the same is allowed, and must then be filed with the clerk.

CHAPTER 658.

An act to amend an act, entitled an act to form agricultural districts to provide for formation of agricultural associations therein, and for management and control of the same by the state, and to repeal all acts and parts of acts in conflict with this act, approved March 31, 1897; amendment approved March 15, 1901, by adding thereto and providing therein for a new district to be known as agricultural district No. 46, composed of the county of Imperial.

[Approved April 19, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Agricul-
tural asso-
ciations.

SECTION 1. Section one of an act entitled an act to form an agricultural district, to provide for formation for agricultural associations therein, and for management and control of the same by the state, and to repeal all acts and parts of acts in conflict with this act, approved March 31, 1897; amendment approved March 15, 1901, by adding thereto and providing therein for a new district to be known as agricultural district No. 46, composed of the county of Imperial, is hereby amended to read as follows:

Section 1. The several counties of this state are divided and classified into agricultural districts and numbered as follows, to wit:

Counties
and their
district
numbers.

The counties of San Francisco and Alameda shall constitute agricultural district No. 1.

The county of San Joaquin shall constitute agricultural district No. 2.

The county of Butte shall constitute agricultural district No. 3.

The counties of Sonoma and Marin shall constitute agricultural district No. 4.

The counties of San Mateo and Santa Clara shall constitute agricultural district No. 5.

The county of Los Angeles shall constitute agricultural district No. 6.

The county of Monterey shall constitute agricultural district No. 7. Counties and their district numbers.

The county of El Dorado shall constitute agricultural district No. 8.

The county of Humboldt shall constitute agricultural district No. 9.

The county of Siskiyou shall constitute agricultural district No. 10.

The counties of Plumas and Sierra shall constitute agricultural district No. 11; *provided* that the first fair held in the eleventh agricultural district after the passage of this act shall be held in Sierra county; the next fair in Plumas county, and thereafter said counties shall so alternate in holding such fairs.

The county of Lake shall constitute agricultural district No. 12.

The counties of Sutter and Yuba shall constitute agricultural district No. 13.

The county of Santa Cruz shall constitute agricultural district No. 14.

The county of Kern shall constitute agricultural district No. 15.

The county of San Luis Obispo shall constitute agricultural district No. 16.

The county of Nevada shall constitute agricultural district No. 17.

The counties of Mono, Inyo, and Alpine shall constitute agricultural district No. 18.

All that portion of Santa Barbara county lying east of the Gaviota and south of the Santa Ynez mountains, shall constitute agricultural district No. 19.

The county of Placer shall constitute agricultural district No. 20.

The counties of Fresno and Madera shall constitute agricultural district No. 21.

The county of San Diego shall constitute agricultural district No. 22.

The county of Contra Costa shall constitute agricultural district No. 23.

The counties of Tulare and Kings shall constitute agricultural district No. 24.

The county of Napa shall constitute agricultural district No. 25.

The county of Amador shall constitute agricultural district No. 26.

The counties of Shasta and Trinity shall constitute agricultural district No. 27.

The counties of San Bernardino and Riverside shall constitute agricultural district No. 28.

The county of Tuolumne shall constitute agricultural district No. 29.

Counties
and their
district
numbers.

The county of Tehama shall constitute agricultural district No. 30.

The county of Ventura shall constitute agricultural district No. 31.

The county of Orange shall constitute agricultural district No. 32.

The county of San Benito shall constitute agricultural district No. 33.

The county of Modoc shall constitute agricultural district No. 34.

The counties of Merced and Mariposa shall constitute agricultural district No. 35.

The county of Solano shall constitute agricultural district No. 36.

All that portion of Santa Barbara county not included in agricultural district No. 19 shall constitute agricultural district No. 37.

The county of Stanislaus shall constitute agricultural district No. 38.

The county of Calaveras shall constitute agricultural district No. 39.

The counties of Yolo and Sacramento shall constitute agricultural district No. 40.

The county of Del Norte shall constitute agricultural district No. 41.

The county of Glenn shall constitute agricultural district No. 42.

The county of Lassen shall constitute agricultural district No. 43.

The county of Colusa shall constitute agricultural district No. 44.

The county of Mendocino shall constitute agricultural district No. 45.

The county of Imperial shall constitute agricultural district No. 46.

SEC. 2. This act is to take effect immediately.

CHAPTER 659.

An act to amend an act entitled, "An act to amend an act entitled, "An act to create and establish a commission for revising, systematizing, and reforming the laws of this state, and for the appointment of the members of said commission, to be known as "The commissioners for the revision and reform of the law," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expense of said commission, secretary and stenographer, and to appropriate money therefor," approved March 28, 1895," approved March 25, 1903, by amending section seven thereof.

[Approved April 19, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section seven of an act entitled, "An act to create and establish a commission for revising, systematizing, and reforming the laws of this state, and for the appointment of the members of said commission, to be known as "The commissioners for the revision and reform of the law," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expense of said commission, secretary and stenographer, and to appropriate money therefor," approved March 28, 1895," approved March 25, 1903, is hereby amended so as to read as follows:

Commission for revision and reform of the law.

Section 7. 1. Said commissioner shall receive for his services, from the state, the sum of thirty-six hundred dollars per annum; such compensation shall be paid in the same manner as the salaries of the justices of the supreme court are now paid.

Salary of commis-

2. The secretary and stenographer of the commission shall receive the sum of sixteen hundred dollars (\$1600.00) per annum, payable monthly in like manner as the salary is paid to the commissioner.

Salary of secretary.

3. The expenses incurred by said commission, or commissioner, exclusive of salaries, shall be set forth in detail in an itemized statement, and thereupon a requisition shall be made by said commissioner upon the state controller, accompanied by the sworn certificate of the commissioner that the services have been performed and the material used or things furnished, and that said sums are justly due.

Expenses of commissioner.

4. Said state controller is hereby directed to draw his warrant on the treasurer for the payment of said salaries, when due and payable, as herein provided, and also for such sums as are covered by said requisitions, and the treasurer is hereby directed to pay the same out of any money not otherwise appropriated.

Sec. 2. This act shall take effect immediately.

CHAPTER 660.

An act to amend section 14 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 April 19, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Irrigation districts.

SECTION 1. Section fourteen of an act, entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, is hereby amended to read as follows:

Board of directors, monthly meetings.

Section 14. The board of directors shall hold a regular monthly meeting at their office upon such time as they shall fix by a resolution duly entered upon their minutes, and when the time for such monthly meeting has been fixed it can not again be changed for twelve months and it can only be changed upon resolution, passed at least two months prior to the time such change shall take effect and upon publication in a newspaper of general circulation in the county for at least one week prior to such change.

Special meetings.

Such special meetings also may be held as may be required for the proper transaction of the business; *provided*, that all special meetings must be ordered by a majority of the board. The order must be entered of record, and five days' notice thereof must, by the secretary, be given to each member not joining in the order. The order must specify the business to be transacted, and no other business than that specified must be transacted at such special meeting.

Quorum.

All meetings of the board must be public, and three members shall constitute a quorum for the transaction of business; *provided, however*, that when the board consists of three members only, then in such case two shall constitute a quorum for the transaction of business, but on all questions requiring a vote there shall be a concurrence of at least the number constituting a quorum. All records of the board shall be open to public inspection during the business hours.

Publication of financial condition.

The board of directors at their regular monthly meeting in January of each year shall render and immediately thereafter cause to be published a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursements. Said publications shall be made at least once a week for two

weeks, in some newspaper, published in the county where the office of the board of directors of such district is situated. Whenever any act is required to be done or proceeding taken by this act, or the acts supplemental or amendatory thereto, on the first Tuesday in any month, such act may be done or proceeding had upon the time specified in the resolution, heretofore referred to, as the time for the regular monthly meeting of such board; *provided also*, that when the time of meeting other than the first Tuesday in the month has been specified, thereafter the newly elected directors shall meet and organize as a board upon the regular time fixed for the monthly meeting in March.

CHAPTER 661.

An act to amend section five hundred and ninety-seven of the Penal Code, relating to cruelty to animals.

[Approved April 19, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section five hundred and ninety-seven of the Penal Code is hereby amended to read as follows:

597. Every person who maliciously kills, maims, or wounds an animal, the property of another, or who overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink or shelter, cruelly beats, mutilates, or cruelly kills any animal, or causes or procures any animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, drink or shelter, or to be cruelly beaten, mutilated or cruelly killed; and whoever, having the charge or custody of any animal, either as owner or otherwise, subjects any animal to needless suffering, or inflicts unnecessary cruelty upon the same, or in any manner abuses any animal, or fails to provide the same with proper food, drink, shelter or protection from the weather, or who drives, rides or otherwise uses the same when unfit for labor, is for every such offense, guilty of a misdemeanor.

Cruelty to animals.

SEC. 2. This act shall take effect immediately.



CHAPTER 662.

An act to amend section seven hundred and seventeen of the Civil Code of the State of California, relating to the time that agricultural lands may be leased for agricultural or horticultural purposes.

[Approved April 19, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 717 of Civil Code of the State of California is hereby amended to read as follows:

Lease of
land for
agricul-
tural
purposes.

717. No lease or grant of land for agricultural or horticultural purposes for a longer period than fifteen years, in which shall be reserved any rent or service of any kind, shall be valid.

CHAPTER 663.

An act to amend section 2144 of the Civil Code of the State of California relative to carrier's lien on property.

[Approved April 19, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2144 of the Civil Code of the State of California is hereby amended to read as follows:

Carrier's
lien for
freightage.

2144. A carrier has a lien for freightage and for services rendered at request of shipper or consignee in and about the transportation, care and preservation of the property, and he also has a lien for money advanced at request of shipper or consignee to discharge a prior lien. His rights to such lien are regulated by the title on liens.

CHAPTER 664.

An act amending section 1856 of the Civil Code of the State of California, relative to lien of depositary for hire on property.

[Approved April 10, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1856 of the Civil Code of the State of California is hereby amended so as to read as follows:

1856. A depositary for hire has a lien for storage charges and for advances and insurance incurred at the request of the bailor, and for money necessarily expended in and about the care, preservation and keeping of the property stored, and he also has a lien for money advanced at the request of the bailor, to discharge a prior lien, and for the expenses of a sale where default has been made in satisfying a valid lien. The rights of the depositary for hire to such lien are regulated by the title on liens.

Depository's lien for storage.

CHAPTER 665.

An act to repeal an act entitled "An act to incorporate the town of Coloma, approved April 21, 1858."

[Approved April 10, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. An act entitled "An act to incorporate the town of Coloma, approved April 21, 1858." is hereby repealed.

Repeal of act of 1858.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 666.

An act to amend section 775 of the Code of Civil Procedure, relating to sales in actions of partition.

[Approved April 10, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 775 of the Code of Civil Procedure is hereby amended to read as follows:

775. All sales of real property made by referees under this chapter must be made at public auction to the highest bidder, upon notice given in the manner required for the sale of real

Referees' sales may be public or private.

property on execution unless in the opinion of the court it would be more beneficial to the parties interested to sell the whole or some part thereof at private sale; the court may order or direct such real property, or any part thereof, to be sold at either public auction or private sale as the referee shall judge to be most beneficial to all parties interested. If sold at public auction the notice must state the terms of sale and if the property or any part thereof is to be sold subject to a prior estate, charge or lien, that must be stated in the notice. If the sale is ordered made at either public auction or private sale, the sale at private sale shall be conducted in the manner required in private sales of real property of estates of deceased persons.

CHAPTER 667.

An act to amend section 781 of the Code of Civil Procedure, relating to sales in actions in partition.

[Approved April 19, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 781 of the Code of Civil Procedure is hereby amended so as to read as follows:

Referee
must
report sale
to court.

784. After completing a sale of property, or any part thereof ordered to be sold, the referees must report the same to the court, with a description of the different parcels of land sold to each purchaser; the name of the purchaser; the price paid or secured; the terms and conditions of the sale, and the securities, if any, taken. The report must be filed in the office of the clerk of the county in which the action is brought. Thereafter any purchaser, or any party to the action, may, upon ten days' notice to the other parties who have appeared therein, and also to the purchaser if he be not the moving party, move the court to confirm or set aside any sale or sales so reported. Upon the hearing, the court must examine the return and report and witnesses in relation to the same, and if the proceedings were unfair, or the sum bid disproportionate to the value, and if it appears that a sum exceeding such bid at least ten per cent, exclusive of a new sale may be obtained, the court may vacate the sale and direct another to be had, of which notice must be given, and the sale conducted in all respects as if no previous sale had taken place. If an offer of ten per cent more in amount than that named in the return be made to the court, in writing, by a responsible person, it is in the discretion of the court to accept such offer and confirm the sale to such person, or to order a new sale.

Court may
vacate
sale.

CHAPTER 668.

An act to amend the Code of Civil Procedure of the State of California by adding a new section thereto to be numbered 1183a, relating to liens.

[Approved April 19, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section hereby is added to the Code of Civil Procedure of the State of California, to be known as section one thousand one hundred and eighty-three *a*, and to read as follows:

1183a. All persons supplying power by means of teams, wagons, vehicles, implements, or appliances, used either immediately in or upon the construction, alteration, addition to, or repair, either in whole or in part, of any of the improvements or works, mentioned in section one thousand one hundred and eighty-three of the Code of Civil Procedure, or used in the immediate transportation of the materials furnished for any of said purposes and actually used therefor, shall, subject to the same limitations and restrictions, and on compliance with the same conditions as are provided for the creation of a lien in favor of persons furnishing materials, as in said section one thousand one hundred and eighty-three of the Code of Civil Procedure provided, have a lien for such power supplied, of the same character and effect, and to be enforced in the same way as that granted to persons so furnishing materials. Such persons, so supplying power, shall, subject to the same limitations and restrictions, be entitled to give written notice of same character and effect as that which persons so furnishing materials are entitled to give as provided in section one thousand one hundred and eighty-four of the Code of Civil Procedure. The liens provided for by this section shall rank second to liens for performing manual labor (or shall be of the same rank and entitled to be treated as the equivalent of liens for materials furnished) and the rank of such liens shall be so declared by the court exercising jurisdiction under section one thousand one hundred and eighty-four of the Code of Civil Procedure.

Transportation of materials, lien for.

Liens rank second to labor.

CHAPTER 669.

An act to amend sections 1103 and 1115 of the Political Code of the State of California, relating to the compiling and indexing of a register of voters.

[Approved April 19, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1103 of the Political Code of the State of California is hereby amended to read as follows:

What constitutes register.

1103. The person charged with the registration of voters in each county or city and county must preserve all affidavits made before himself or his deputies for the purpose of procuring registration for at least five years, and until the board of supervisors shall order them to be destroyed. The affidavits shall constitute the register required to be kept by the provisions of this chapter and the person charged with the registration of voters shall not copy the facts shown by the affidavits as part of his official duties. All provisions of law in conflict herewith are hereby repealed.

SEC. 2. Section 1115 of the Political Code of the State of California is hereby amended to read as follows:

Index to register.

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, ages, occupations, and addresses as they appear in said books, and shall have at least one hundred copies of said index 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.

SEC. 3. This act shall take effect sixty days after passage.

CHAPTER 670.

An act to add a new section to the Code of Civil Procedure of the State of California, to be known as section number 67b, relating to extra sessions of the superior court.

[Approved April 19, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure of the State of California to be known as section number 67b to read as follows:

Superior court, extra sessions of.

67b. Whenever, in the opinion of the judge or a majority of the judges of the superior court of any county, or city and

county, the public interests so justify or require, one or more sessions of said superior court, to be known as extra sessions of said superior court, may be held in addition to and at the same time as the sessions of said court spoken of in sections numbered 66 and 67 of this code.

Whenever the judge or a majority of the judges of the superior court of any county or city and county shall decide that an extra session of said court shall be held, said judge or a majority of said judges shall appoint the time when said extra session shall be held, but no extra session of any superior court shall continue beyond the 31st day of December of the year in which such session is established. The judge or a majority of the judges of said superior court shall likewise appoint a place, within the county seat of said county or city and county, where such extra session of said court shall be held, and shall have the same power and authority to provide a place for holding such extra session of said court as is had by a judge of a superior court to provide a place for holding a session of a superior court.

Place of holding extra session.

Whenever, in a county or city and county having but one judge of the superior court, said judge shall provide for an extra session of said court, he shall, at the time of so providing or from time to time during the continuance of said extra session, apportion to the judge who may preside over said extra session such portion of the business of said court as he may desire, and at the close of such extra session shall order such portions of said business so apportioned and not transacted to be transferred to himself.

Apportionment of business.

Whenever, in any county or city and county having more than one judge of the superior court, a majority of said judges shall provide for an extra session of said court, a majority of said judges, at the time of so providing or from time to time during the continuance of said extra session, shall order transferred to the judge who may preside over such extra session from the judges to whom they have been assigned according to law or the rules of said court, such portions of the business of said court as they may select; and, at the close of such extra session shall order retransferred to the judges of said court such portions of said business so transferred as shall not have been transacted. Except as above provided, any rules of any superior court relating to the transfer of any business from one judge of said court to another shall apply to the transfer of any business duly assigned to the judge presiding over any extra session from said judge to any judge of said court.

Transfer of business.

Whenever an extra session of the superior court of any county or city and county has been provided for, the judge or a majority of the judges of said superior court shall invite and authorize a judge of the superior court of some other county or city and county to hold and preside over such extra session, and upon such invitation and authorization such judge may so serve.

Judge of some other county may be invited.

Governor shall designate judge.

Upon the request of the judge or a majority of the judges of the superior court of any county or city and county, the governor of the state shall designate and authorize, to hold and preside over such extra session of the superior court of said county or city and county, a judge of the superior court of some other county or city and county; and upon such designation and authorization by the governor such judge must so serve.

Judgments and orders.

The judgments, orders, and proceedings of any extra session of any superior court, held in accordance with the provisions of this section, shall be equally effective as if any or all of the judges of said court presided at such session. Any judge or any number of the judges of any superior court may hold and preside over any extra session of said court, with or without, the judge designated and authorized to hold and preside over said session. Any judge of any superior court may perform in connection with any business duly assigned to the judge presiding over any extra session of said court any act which he could perform in connection with any business assigned to any other judge of said court. Any judge, holding or presiding over any extra session of a superior court, may perform in chambers or in court, in connection with any business duly assigned to him, any act which could be performed by any judge of said court, in chambers or in court, in connection with such business if duly assigned to himself; but no judge, holding or presiding over any extra session of any superior court, shall perform, in chambers or in court, any act in connection with any business that has not been duly assigned to him.

Compensation.

All provisions of the laws of this state applying to the compensation of a judge of a superior court, holding the superior court in a county other than his home county, shall apply to judges holding extra sessions of a superior court in any county other than his home county.

CHAPTER 671.

An act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so and providing a penalty and damages to be paid to persons, corporations, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.

[Approved April 20, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. When the owner, manager or shipper of any freight of any kind shall make application in writing to any superintendent, agent or other person in charge of transportation of any railway company or person, corporation, receiver or trustee operating any line of railway, at the point where cars are desired upon which to ship any freight, it shall be the duty of such railway company, corporation, receiver, trustee or other person in charge thereof, to supply the number of cars so required at the point indicated in the application within the time hereinafter specified after receipt of such application, and such railway company, person, corporation, trustee or receiver shall supply such cars to the persons so applying therefor in the order in which such applications are made, without giving any preference to any person; *provided*, if the application be for ten cars or less, the same shall be furnished in five days; *provided* if the application be for ten cars and less than fifty cars the same shall be furnished in ten days; *and provided further* that if the application be for fifty cars or more, such railway company, person, corporation, receiver or trustee shall have fifteen full days in which to supply the cars; if the application be for cars for the transportation of perishable freight the number of cars applied for shall be furnished within forty-eight hours; *provided*, that the point to which said freight is to be shipped is on the line of the railway company to which such application for cars is made or on the line of a railroad with which the railway company to which such application is made has connections and to which point it ordinarily receives freight for shipment; *and provided further*, that railway companies to which such application may be made shall not be obligated under the terms hereof to furnish cars of any class required for the transportation of the class of commodity to be shipped and for which application is made, unless it owns or usually operates such class of cars. All cars supplied in compliance with the provisions of this section shall be suitable for the purpose for which they are ordered. The time herein stated for the delivery of cars mentioned in any such application shall begin to run from the hour of seven

Duty of
railroads
to supply
cars to
shippers.

Time in
which to
furnish
cars.

o'clock A. M. of the next day following the day of the receipt of any such application by the railway company, corporation, receiver, trustee or other person in charge to whom it is given.

Applica-
tion shall
state what.

SEC. 2. Said application for cars shall state the number of cars desired, the kind of freight to be shipped, the point of destination, the time and place at which they are desired; *provided*, that the place designated where the cars are to be furnished shall be at some station or switch on the railroad of the person, corporation, receiver or trustee to whom or to whose agent such application is made.

Penalty
for failure
to furnish.

SEC. 3. When cars are applied for under the provisions of this act, if they are not furnished as herein provided, the railway company, person, corporation, receiver or trustee so failing to furnish them shall be liable and immediately indebted to the party or parties so applying for said car or cars in the sum of five dollars per day for each car failed to be so furnished, to be recovered in any court of competent jurisdiction, and in addition all actual damages that such applicant may sustain by the failure to furnish said car or cars.

Deposit of
freight
charges.

SEC. 4. Such applicant shall, at the time of applying for such car or cars, deposit with the agent of such company or with such person, corporation, receiver or trustee one fourth of the amount of the freight charge for the use of such car or cars, if such agent, or such person, corporation, receiver or trustee shall require such deposit; and such applicant shall within forty-eight hours after such car or cars have been delivered and placed as heretofore provided fully load the same; and upon failure to do so, he shall be liable and immediately indebted and pay to such company, person, corporation, receiver or trustee the sum of six dollars per day for each car not used; *provided*, that where applications are made on several days, all of which are filled upon the same day, the applicant shall have forty-eight hours to load the car or cars furnished on the first application, and the next forty-eight hours to load the car or cars furnished on the next application, and so on; and the penalty herein prescribed shall not accrue as to any car or lot of cars applied for on any one day, until the period within which they may be loaded has expired, and if the said applicant shall not use such cars so ordered by him, he shall forfeit and pay to the said railroad company in addition to the penalty herein prescribed, the actual damages that such company may sustain by the failure of the applicant to use said cars. Every such company, person, corporation, receiver or trustee shall have a lien upon any deposit made in accordance with this section for any damages or penalties accruing to it by failure to load any car or cars delivered and placed as in this act provided.

Failure of
applicant
to load
cars; pen-
alty for.

SEC. 5. The time within which said cars are to be loaded shall begin to run from the hour of seven o'clock A. M. of the day next following the day the same are furnished at the place required and at the time specified in the application therefor. If the said applicant shall not use such cars so ordered by him, he shall so notify the railroad furnishing the same, and he shall

be liable for the penalty above set forth to the railway company, corporation, receiver, trustee or other person in charge furnishing the same for the period of one day after said notification. When cars have been furnished and loaded it shall be the duty of the railway company, corporation, receiver, trustee or other person in charge to promptly remove the same from the point where loaded and deliver the same to the connecting railroad or to the person or persons to whom they are consigned, within a reasonable time. All persons to whom cars are consigned shall unload the same within forty-eight (48) hours after delivery thereof to the said consignee at the usual and appropriate point of unloading; and upon failure to unload said car or cars within the time herein specified, after the delivery thereof as herein stated, the consignee thereof shall be liable and shall be held to be immediately indebted to the railway company, corporation, receiver, trustee or other person in charge, delivering said cars, in the sum of six dollars per day, or fraction of a day, for each car so left unloaded. The time for unloading such cars shall be computed in the manner hereinbefore prescribed for loading cars. Nothing in this act contained shall be construed to prevent any railway company, person, corporation, receiver or trustee, operating any line of railway from making and enforcing any and all necessary rules for demurrage to insure the loading and unloading of cars within twenty-four hours after delivery thereof to consignors or consignees at the usual and appropriate point of loading or unloading; *provided*, the rate or charge for demurrage so made shall not exceed three dollars for the first day after said period of twenty-four hours for each car, and thereafter the rate or charge for demurrage shall be the sum of six dollars per day for each car as hereinabove in this section provided.

Cars must be moved when loaded.

Time for unloading cars.

Demurrage.

Rate for demurrage.

SEC. 6. Any claim which any person may have against any railway company, corporation, receiver, trustee or other person in charge, for failure to furnish cars or for damages sustained by reason thereof, shall be assignable in the same manner, and to the same extent, as any assignable claim or chose in action, and suit or action for the collection thereof may be brought against any railway company, corporation, receiver, trustee or other person in charge by any person having any such claim, or by the assignee thereof.

Claims for failure to furnish cars.

SEC. 7. It shall be necessary for the party or parties bringing suit against any railway company, person, corporation, receiver or trustee under the provisions of this act, to show by evidence that he or they had on hand at the time any demand for cars was made the amount of oil, lumber, wheat or other grain, wool, hides, fruit or other freight, necessary to load the cars so ordered; *provided* no charge for failure of any railway company, corporation, receiver, trustee or other person in charge to furnish a car or cars as herein required shall be made or enforced, or damages therefor claimed, when such failure is caused by public calamity, strikes, washouts, acts of God, the public enemy, mobs, riots, wrecks, fires or accidents.

What evidence necessary in suits.

The causes in this act enumerated, which afford an excuse on the part of a railroad for not furnishing the cars as required, shall likewise, and to the same extent, excuse the owner, manager or shipper or consignee of any freight from all liability hereunder for failure to load or unload cars as herein required.

Act applies
to what
ship-
ments.

SEC. 8. This act shall apply only to shipments begun and terminating within the State of California.

CHAPTER 672.

An act to authorize and empower the board of managers of the Agnews State Hospital to sell and convey a portion of real property situate in Santa Clara county, in the State of California, and belonging to said state, to the Western Distilleries.

[Approved April 20, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Authority
to convey
certain
state
lands.

SECTION 1. The board of managers of the Agnews State Hospital are hereby authorized and empowered to sell and convey to the Western Distilleries all or any portion of a certain piece of land situate, lying, and being in the county of Santa Clara, State of California, and particularly described as follows, to wit: Beginning at the southernmost corner of lands formerly belonging to A. D. Remington on the north line of W. W. Montague's land, at a 2 x 3 stake marked R. 3 S. 3 in the center of the Montague road, from which stake a 2 x 6 fence post, marked W. P. S. 3 R. 3 bears N. 48° 25' W., distant 51 links and a willow, eight inches in diameter, marked B. T. S. 3 R. 3, bears N. 65½° W., 55 links distant, and running thence along the fence line of land now or formerly held by the Lick trustees, and N. 48° 25' W., 34.52 chains to a 4 x 4 fence post marked S. 4 R. 4 standing in the south fence line of the private lane leading from the Alviso and Santa Clara road to Lick Mills, from which post an apple tree 8 inches in diameter, marked B. T. S. 4 R. 4, bears S. 20° E., 61½ links distant; thence along the south fence line of said lane N. 61° 50' E., 16.73 chains to a 4 x 8 fence post marked S. 5 R. 5; thence N. 73° 50' E., 1.58 chains to a 4 x 4 post marked S. R., from which a maple tree 12 inches in diameter, marked B. T. S. R., bears N. 48°, 30½ links distant; thence S. 53° 10' E., 17½ chains to a pine two feet in diameter, marked S. 1 R. 1; thence S. 24° 51' E., 16.22 chains to a stake marked S. 2 R. 2 in the center of the Montague road, from which a 4 x 4 witness post marked W. P. S. 2 R. 2 bears N. 24° 50' W., 45½ links distant and a willow 18 inches in diameter, marked B. T. S. 2 R. 2, bears N. 30¾° W., 45 links distant; thence

along the center line of said Montague road S. 61° 50' W., 12.75 chains to the place of beginning. Said parcel of land as described contains 56.87 acres, being a portion of the Remington tract in the Ulistac rancho.

SEC. 2. A deed duly executed by the president of said board shall be sufficient to convey title to said property. Execution of deed.

SEC. 3. This act shall take effect and be in force on and after its passage.

CHAPTER 673.

An act to provide for separate sewer districts within municipalities.

[Approved April 21, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The legislative body of any incorporated city or town may divide the territory of such municipality into two or more sewer districts, as may be made expedient by the configuration of the ground, and establish a separate sewer system for every such district. Municipal sewer districts.

SEC. 2. The proper municipal officers may levy a special sewer tax on all the taxable property in such sewer district, and the proceeds of such tax shall be expended exclusively for the building and maintenance of the sewer system in such district. Special sewer tax.

SEC. 3. After a city or incorporated town has been divided into sewer districts, an election may be held, in the manner provided for the issue of city bonds, to determine whether bonds for the building or extension of a sewer system in any such district shall be issued. At such election, only electors residing within such district shall be entitled to vote. If a majority of the electors voting at such election shall vote in the affirmative, the proper municipal officers shall issue and sell such bonds, substantially in the manner provided for the issue of city bonds. But the interest and sinking fund for the payment of such bonds shall be derived exclusively from taxes levied upon property within such district. All provisions of law relating to the payment of interest and sinking fund for city bonds shall govern, so far as applicable, the issue of sewer district bonds. Election for bond issue.

CHAPTER 674.

An act authorizing the purchase of portraits of speakers of the assembly and appropriating money therefor.

[Approved April 21, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.

Portraits of R. L. Beardslee and P. A. Stanton, speakers of assembly.

SECTION 1. The sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose of purchasing portraits, suitably framed, of the speakers of the assembly of the California legislature, presiding at the thirty-seventh and thirty-eighth sessions of said legislature, and the secretary of state is hereby authorized and directed to purchase and have painted and suitably framed, life size, half length portraits of the Hon. R. L. Beardslee, speaker of the assembly during the thirty-seventh session, and of the Hon. P. A. Stanton, speaker of the assembly during the thirty-eighth session of the legislature, and to hang the said portraits on the walls of the speaker's room in the Capitol building.

Portraits of succeeding speakers.

SEC. 2. The secretary of state is hereby further authorized and directed to purchase, after the close of each and every session of the legislature which may be held in this state in the future, a portrait of the speaker of the assembly presiding during that session of the legislature just closed, and that the said portrait be hung in the speaker's room in the Capitol building.

SEC. 3. The state controller is hereby authorized and directed to draw his warrant in favor of the secretary of state for the amount herein appropriated, or so much thereof as may have been necessary for the purchase of the two portraits first above specified, and the state treasurer is hereby directed to pay the same.

Further appropriation.

SEC. 4. The state controller is hereby authorized and directed after each and every session of the legislature which may be held in this state in the future, to draw his warrant in favor of the secretary of state for such amount, not exceeding five hundred dollars, as may be certified to him by the secretary of state to be necessary to carry out the purposes of this act; and the state treasurer is hereby directed to pay the same out of any moneys in the state treasury not otherwise appropriated.

CHAPTER 675.

An act to amend sections 3, 4, 5, 6, 7, 11, 13, 14 and 16 of an act entitled: "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California state board of pharmacy." Approved March 20, 1905, and amended March 31, 1907.

[Approved April 21, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3 of said act is hereby amended so as to read as follows:

Section 3. Licentiates in pharmacy are persons who have had five years' experience in stores where the prescriptions of medical practitioners are compounded, and shall have passed an examination before the state board of pharmacy, or who shall present satisfactory evidence to the said board that they have had twenty years' actual experience in the practice of pharmacy, and have also been registered as a licentiate, or assistant pharmacist in good standing in any state or territory for a period of at least ten years prior to the date of their application; *provided*, that graduates from a reputable college of pharmacy may be registered after eighteen years of like experience. Practicing pharmacists are persons who, at the passage of this act, are registered as such, and who shall have on or before the first day of January next succeeding the passage of this act, paid to the board of pharmacy of this state all moneys due for renewal of registration as required by the acts of the legislature regulating the practice of pharmacy in the State of California, approved March 11, 1891, and March 15, 1901.

SEC. 2. Section 7 of said act is hereby amended so as to read as follows:

Section 7. Four members of the board shall constitute a quorum. They shall hold a meeting at least once in every four months.

POWERS AND DUTIES OF THE BOARD.

Subdivision 1. The state board of pharmacy shall have power:

(a) To make such by-laws and regulations, not inconsistent with the laws of this state, as may be necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) To regulate the practice of pharmacy.

(c) To regulate the sale of poisons.

(d) To regulate the quality of all pharmaceutical preparations and medicines dispensed or sold in this state, using the United States Pharmacopœia or National Formulary, as the standard.

(e) To investigate all complaints as to the quality and strength of all pharmaceutical preparations and medicines, and to take such action as may be necessary to prevent the sale of such as do not conform to the standard and tests prescribed in the latest edition of the United States Pharmacopœia or National Formulary.

(f) To employ inspectors of pharmacy and to inspect during business hours all pharmacies, dispensaries, stores, or places in which drugs, medicines and poisons are compounded, dispensed or retailed, and to cause the prosecution of all persons whenever there appears to the board to be reasonable ground for such action.

Registration fees.

(g) To examine and register as pharmacists and assistant pharmacists all applicants whom it shall deem qualified to be such. All persons applying for registration, under this act, shall pay the following fees therefor to the secretary of the board of pharmacy: Every applicant for registration, other than that of an apprentice, shall pay a fee of ten dollars on filing his or her application, which shall be compensation to the board of pharmacy for investigation or examination of the applicant; and if the board finds that any applicant for registration on experience and credentials is entitled to be registered, then he or she shall pay an additional fee of fifteen dollars upon the issuance of certificate of such registration; and any licentiate found by the board on examination to be entitled to a certificate shall pay the additional sum of five dollars upon the issuance of certificate; all applicants for examination as assistant, if found satisfactory by the board, shall be entitled to their certificate without further fee; and *provided further*, that an applicant for registration on experience and credentials may at his or her option be examined as a licentiate without further fee for application.

Lost certificates, fee for renewal of.

(h) In the event any person having registered shall have lost his or her certificate, or the same has been destroyed, or if he or she desires the renewal of the same, a new certificate may be issued by said board upon the applicant paying therefor the sum of three dollars; *provided further*, that where the original certificate is not lost or destroyed, then the certificate shall be surrendered before a renewal of same shall be issued; and *provided further*, that the board shall have power to require satisfactory evidence from the applicant of the loss or destruction of the certificate; and *provided further*, that where the applicant is delinquent for the annual dues required by this act then he or she shall be required to pay to said board sufficient fees to cover his delinquency in that behalf before he or she shall be entitled to a re-issue of the certificate in this subdivision provided for.

Revocation of licenses.

(i) To provide by proper rules and regulations for the revocation by said board of licenses issued under the provisions of this act, whenever the holder of such license shall be guilty of habitual intemperance or addicted to the use of narcotic drugs, or shall have been convicted of a felony.

SEC. 3. Section 11 of said act is hereby amended so as to read as follows:

Section 11. Every proprietor or manager of a pharmacy or drug store shall be held responsible for the quality of all drugs, chemicals and medicines sold or dispensed by him, except those sold in the original package of the manufacturer and except those articles or preparations known as patent or proprietary medicines. Any persons who shall knowingly, willfully, or fraudulently falsify or adulterate, or cause to be falsified or adulterated, any drug or medicinal substance, or any preparation authorized or recognized by the pharmacopoeia of the United States or used, or intended to be used, in medical practice, or shall mix, or cause to be mixed, with any such drug or medicinal substance any foreign or inert substance whatever, for the purpose of destroying or weakening its medicinal power or effect, or of lessening its cost, and shall willfully, knowingly, or fraudulently sell the same, or cause it to be sold, for medicinal purposes, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars and not more than two hundred dollars, or by imprisonment for not less than fifty days and not more than two hundred days, or by both such fine and imprisonment.

Proprietors responsible for quality of drugs.

Every registered pharmacist shall file or cause to be filed, all physician's prescriptions, or a copy thereof, compounded or dispensed in his pharmacy or store, and any person who shall willfully fail so to do shall be deemed guilty of a misdemeanor and upon conviction thereof shall be liable to a fine not exceeding fifty dollars; and for each subsequent offense shall be liable to a fine of not less than fifty dollars, and not more than one hundred dollars. The state board of pharmacy may at any time, when in their judgment it appears advisable, depntize one of their members, or any other competent person, to investigate any suspected violation of any of the provisions of this act, and if the result of such investigation seems to the board to justify such action the board shall cause the prosecution of any person violating any of the provisions of this act.

Prescriptions must be filed.

SEC. 4. Section 13 of said act is hereby amended so as to read as follows:

Section 13. Any proprietor of a pharmacy, who shall fail, or neglect to place in charge of such pharmacy a registered pharmacist, or any proprietor, who shall by himself, or any other person, permit the compounding of prescriptions, or the vending of drugs, medicines, or poisons, in his or her store, or place of business, except by or in the presence and under the direct, immediate and personal supervision of a registered pharmacist, or any person, not being a registered pharmacist, who shall take charge of, or act as manager of any pharmacy, or store, or who, not being a registered pharmacist, retails, compounds, or dispenses drugs, medicines, or poisons, shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not less than twenty (\$20.) dollars and not

Registered pharmacist must be in charge.

more than one hundred dollars, or by imprisonment for a term of not exceeding fifty days, or by both such fine and imprisonment.

SEC. 5. Section 14 of said act is hereby amended so as to read as follows:

Examination of applicants for temporary certificate.

Section 14. Any member of the board of pharmacy, or inspector duly authorized by said board may examine applicants orally, or in writing, and issue a temporary certificate to practice pharmacy, which shall authorize such practice for a period not to exceed four months from its date. The issuance of such temporary certificate shall not entitle the holder thereof to a permanent certificate, and no permanent certificate shall be issued to such holder until he passes a satisfactory examination by the board. Only one temporary certificate shall ever be issued to the same applicant, and no temporary certificate shall be granted to any person whose application has been denied by the board. The member or authorized inspector conducting the examination as herein set forth shall be entitled to charge and receive the sum of three dollars for such certificate, said moneys to be paid to the board of pharmacy.

SEC. 6. Section 16 of said act is hereby amended so as to read as follows:

General dealers in rural districts, permits to.

Section 16. The board of pharmacy shall issue a permit to general dealers in rural districts in which the conditions, in their judgment, do not justify the employment of a registered pharmacist, and where the store of such general dealer is not less than three miles distant from the store of a registered pharmacist; which said permit shall authorize the persons or firm named therein to sell in such locality, but not elsewhere, and under such restrictions and regulations as said board may from time to time adopt, the following simple household remedies and drugs, and no other, in such manner and form as may be hereafter authorized by said board, as follows, to wit:

May sell what.

Tincture of arnica, spirits of camphor, almond oil, distilled extract witch-hazel, paregoric, syrup of ipecac, syrup of rhubarb, hive syrup, sweet spirits of nitre, tincture of iron, epsom salts, rochelle salts, senna leaves, carbonate of magnesia, scidlitz powders, quinine, cathartic pills, chamomile flowers, caraway seed, chlorate of potash, moth balls, plasters, salves, ointments, peroxide of hydrogen, copperas, gum camphor, blue ointment, asafoetida, saffron, anise seed, salt petre.

Fee for permit.

The board shall charge an annual fee of eight dollars in advance for such permit, and it shall be unlawful for any dealer to sell any drugs or ordinary household remedies without complying with the requirements of this section. Whenever a registered pharmacist shall establish a pharmacy within three miles by the shortest road from the place of business of such general dealer, no further license shall be granted, and the license already issued shall be void, *provided that*, the following drugs, medicines and chemicals may be sold by grocers and dealers generally without restriction, viz:

What may be sold by grocers.

Glauber salts, vaseline, turpentine, condition powders, cream of tartar, carbonate of soda, bay rum, essence of Jamaica

ginger, essence of peppermint, ammonia, alum, castor oil, bicarbonate of soda, chloride of lime, glycerine, witch-hazel, sheep dip, borax, sulphur, blue stone, flaxseed, insect powder, fly paper, ant poison, squirrel poison, and gopher poison, and arsenical poisons used for orchard spraying, when prepared and sold only in original and unbroken packages and labeled with the official poison labels.

CHAPTER 676.

An act to amend section 2 of an act entitled, "An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to street improvements.

[Approved April 21, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of an act entitled "An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks and for the construction of sewers within municipalities," approved March 18, 1885, is amended to read as follows: Street improvements.

Section 2. Whenever the public interest or convenience may require, the city council is hereby authorized and empowered to order the whole, or any portion, either in length or width, of the streets, avenues, lanes, alleys, courts, or places of any such city graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, oiled or reoiled, sewerred or resewerred, and to order sidewalks, manholes, culverts, bridges, cesspools, gutters, tunnels, curbing, and crosswalks to be constructed therein, or to order storm water ditches and channels, breakwaters, levees, or walls of rock, or other material, to protect the same from overflow or injury, and to order any work to be done which shall be necessary to complete the whole or any portion of said streets, avenues, sidewalks, lanes, alleys, courts, or places, and it may order any of the said work to be improved; and also to order a sewer or sewers, with outlets, for drainage or sanitary purposes, in, over, or through any right of way granted or obtained for such purpose and also to order storm water drain, or storm water drains, with outlets, for drainage or sanitary purposes, in, over, or through any right of way granted or obtained for such purpose. Authority to order improvements.

SEC. 2. This act shall take effect immediately.

CHAPTER 677.

An act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places, within municipalities.

[Approved April 21, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Power of city council to change grade.

SECTION 1. The city council of any city is hereby empowered to change or modify the grade of public streets, lanes, alleys, courts, or other places therein, in the manner hereinafter provided.

Resolution of intention.

SEC. 2. Before any change or modification of grade is ordered, the city council shall pass an ordinance or resolution of intention to order such change or modification of grade. Said ordinance or resolution of intention shall state the name of, or otherwise designate the public street, lane, alley, court or other place the grade of which, or any portion thereof, is proposed to be changed or modified, and shall set forth the change or modification of grade proposed to be made. One or more public streets, alleys, lanes, courts, or other places, or portions thereof, may be included in the same ordinance or resolution of intention. Said ordinance or resolution of intention shall be posted conspicuously for two days on or near the chamber door of said city council, and published by two insertions in a daily or weekly newspaper published and circulated in said city, and designated by said council for that purpose. If no such newspaper is published and circulated in said city, such ordinance or resolution of intention shall be posted for two days on or near the council chamber door, and in two other public places in said city. The street superintendent shall thereupon cause to be conspicuously posted along all public streets, lanes, alleys, courts, or other places, or portions thereof designated in the said ordinance or resolution of intention,

Publication of notice.

where such change or modification of grade is proposed to be made, at not more than one hundred feet in distance apart, notices, but not less than three in all, of the passage of said ordinance or resolution of intention. Said notice shall be headed "Notice of Change of Grade," in letters of not less than one inch in length, and shall in legible characters state the fact of the passage of the said ordinance or resolution of intention, its date, the name or other designation of the public street, lane, alley, court, or other place, or portion thereof, the grade of which is proposed to be changed or modified, and shall refer to the ordinance or resolution of intention for further particulars. He shall also cause a notice similar in substance to be published for six days in a daily newspaper published and circulated in said city, and designated by said city council for that purpose, or in cities where there is no daily newspaper, by two insertions in a weekly newspaper so published, circulated and designated. In case there is no daily

Posting of notice.

or weekly newspaper published in said city, said notice shall be posted for six days on or near the chamber door of said council, and in two other public places in said city.

SEC. 3. Any person or persons owning any real property fronting upon any public street, lane, alley, court or other place, or portion thereof, where such change or modification of grade is proposed to be made, may, within thirty days after the first publication of the notice of the passage of the ordinance or resolution of intention, or within thirty days after the first posting thereof, where no publication thereof is made, as hereinbefore provided, file a written protest with the clerk of the city council against such proposed change or modification of grade. Every such protest must contain a description of the property owned by each signer thereof, sufficient to identify the same, and if signed by more than one person, must be accompanied by the affidavit of one of the signers that each signature thereto is the genuine signature of the person whose name purports to be thereto subscribed; and in case any signature is made by an agent, there must be attached to the protest the affidavit of the agent that he is duly authorized to sign such protest. Any protest not complying with the foregoing requirements shall not be considered by said city council. The clerk of the city council shall endorse on every such protest the date of its reception by him; and at the next regular meeting of the city council after the expiration of the time for filing protests, shall present to said city council all protests so filed with him. If the city council finds that such protests are signed by the owners of a majority of the frontage of the property fronting on the public street, lane, alley, court, or other place, or portion thereof where such change or modification of grade is proposed to be made, all further proceedings under said ordinance or resolution of intention shall be stayed and barred for six months from and after the filing of such majority protests, except as hereinafter provided, unless the owners of a majority of such frontage shall in the mean time petition the same change or modification of grade to be made; but a new ordinance or resolution of intention to make a different change or modification of grade of such public street, lane, alley, court, or portion thereof, may be passed at any time.

In the event that the ordinance or resolution of intention designates any public street, lane, alley, court or other place, or portion thereof, the grade of which is proposed to be changed or modified, and there be included in said ordinance or resolution of intention any other public street, lane, alley, court or other place, or portion thereof, intersecting therewith or terminating therein, the grade of which is also proposed to be changed or modified, the change or modification of grade of such public street, lane, alley, court or other place, and of such other public street, lane, alley, court or other place or portion thereof, so intersecting or terminating, shall not be stayed or barred by any protests, made and filed as hereinbefore provided, unless such protest be signed by the owners of a majority

Protest of owners.

What protest shall contain.

Findings of council.

Intersecting streets: protests.

of the total frontage of the property fronting on all such public streets, lanes, alleys, courts or other places, or portions thereof, where such change or modification of grade is proposed to be made. If the city council finds that such protests are not signed by the owners of a majority of the property fronting on the public street, lane, alley, court or other place, or portion thereof, where such change or modification of grade is proposed to be made, or if the proposed change or modification of grade extends for a distance of not more than one block, and the grade of such public street, lane, alley, court, or other place, for at least one block thereof immediately adjacent to such block where such change or modification of grade is proposed to be made, on each side thereof, has already been established, or if the proposed change or modification of grade extends for a distance of not more than one block, at the end of a public street, lane, alley, court or other place, and the grade thereof for at least one block thereof immediately adjacent to such block has already been established, the city council shall thereupon fix a time for hearing such protests not less than ten days after the meeting of the council at which such time is so fixed and shall cause notice of the time and place of such hearing to be published for two days in a daily newspaper published and circulated in said city, or by one insertion in a weekly newspaper so published and circulated; and if no daily or weekly newspaper be published and circulated in said city, then said notice shall be posted for two days on or near the council chamber door, and in two other public places in said city; and such publication or posting shall be completed at least five days before such hearing. The city council shall hear said protests at the time and place appointed, or at any time to which the hearing thereof may be continued, and pass upon the same, and its decision thereon shall be final and conclusive. If such protests are sustained, no further proceedings shall be had under said ordinance or resolution of intention, but a new ordinance or resolution of intention to make the same, or a different change or modification of grade may be passed at any time. If such protests are denied, the proceedings shall continue as if such protests had not been filed.

SEC. 4. If no protests are filed within the time hereinbefore provided, or if protests are filed, and after hearing are denied, as hereinbefore provided, the city council shall acquire jurisdiction to order the change or modification of grade described in the ordinance or resolution of intention to be made. Having acquired such jurisdiction, the city council shall by ordinance or resolution, order the change or modification of grade to be made as proposed by and described in the ordinance or resolution of intention. Said ordinance or resolution ordering the change or modification of grade shall be published by two insertions in a daily, or by one insertion in a weekly newspaper published and circulated in said city; or, if no such newspaper be published and circulated therein, the same shall be posted for two days on or near the council chamber door, and in two other public places in said city.

Findings
of council.

Time for
hearing
protests.

Hearing.

Jurisdiction,
when
acquired.

SEC. 5. Except as otherwise hereinafter provided the person owning the fee, or the person in whom on the day any protest or petition is filed the legal title to real property appears, by deeds duly recorded in the county recorder's office of the county in which said city is situated, shall be deemed to be the owner thereof for the purposes of this act; *provided however*, that any person in possession of real property as the executor, administrator, trustee, guardian, or other legal representative of the owner, or any person in possession of real property under written contract of purchase duly recorded, shall be deemed to be the owner thereof for the purposes of this act. In the case of property held by tenancy in common, if any co-tenant sign a protest under this act, only the proportionate share of the frontage thereof represented by his interest therein shall be counted in determining the amount of frontage represented by such protest. In the event that the change or modification of grade proposed by the ordinance or resolution of intention is only on one side of any public street, lane, alley, court or other place, or portion thereof, only the owners of the real property fronting on the side of such public street, lane, alley, court or other place, or portion thereof where such change or modification of grade is proposed to be made, shall be entitled to make or file a protest under the provisions of this act. If the grade of any public street, lane, alley, court, or other place, or portion thereof, has been heretofore, or shall be hereafter changed or modified, nothing in this act contained shall be construed to prevent any subsequent change or changes, modification or modifications of grade of any such public street, lane, alley, court or other place, or portion thereof.

Who deemed to be owner.

SEC. 6. The following words and phrases, where used in this act, shall have the following meanings:

Meanings of certain words.

1. The terms "municipality" and "city" include every incorporated city, city and county, or other corporation organized for municipal purposes.

2. The terms "city council" and "council" include any body or board in which by law is vested the legislative power of any city.

3. The term "clerk" and "city clerk" shall include any person or officer who shall be clerk of the city council.

4. The term "superintendent of streets" includes any officer or board whose duty it is by law to have the care or charge of streets, or the improvement thereof, in any city. In any city where there is no superintendent of streets, or no such board, the legislative body is hereby authorized to designate some other officer to perform the duties imposed by this act on the superintendent of streets, and all the provisions hereof applicable to the superintendent of streets shall apply to the officer so designated.

SEC. 7. This act shall in nowise affect an act entitled "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, or amend-

Certain acts not affected.

Intention
of act.

ments thereto; or an act entitled "An act to amend an act 'An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities.' approved March 18, 1885, by adding thereto certain new and additional sections, to provide the mode of carrying into effect certain provisions of said act relative to changing grades," approved March 31, 1891, or amendments thereto, or any other acts on the same subject; but is intended to and does provide an alternate system of proceedings for changing or modifying the grades of public streets, lanes, alleys, courts, or other places in municipalities; and it shall be within the discretion of the city council of any municipality to proceed in making any such change or modification of grade, either under the provisions of this act, or under the provisions of said acts hereinbefore mentioned, or amendments thereto: but when any proceedings are commenced under this act, the provisions of this act, and of such amendments thereto as may be hereafter adopted, and no other, shall apply to all such proceedings, and any provisions contained in said acts, or in any acts in conflict with the provisions hereof, shall be void and of no effect as to the proceedings commenced under the provisions of this act. The election of the city council to proceed under the provisions of this act shall be expressed in its ordinance of intention to order any change or modification of grade. The provisions of this act shall be liberally construed to promote the objects thereof. This act may be designated and referred to as the "Change of Grade Act of 1909."

Name of
act.

SEC. 8. This act shall take effect immediately.

CHAPTER 678.

An act to amend section seven hundred and seventy-four and section seven hundred and seventy-five of the Political Code, relating to the preparation and printing of the reports of decisions of the supreme court.

[Approved April 21, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section seven hundred and seventy-four of the Political Code is hereby amended so as to read as follows:

Reports of
supreme
court,
supervision
of publica-
tion.

774. The reports are to be published under the general supervision of the supreme court, which may correct clerical errors in the opinion as filed, or authorize the same to be corrected; but may not in any manner alter the written opinion as to substance, argument or authority cited, or omit any por-

tion of the opinion as filed. All opinions filed must be printed in full in the law reports. Proof sheets of the opinions must be furnished by the official reporter to the supreme court from time to time as the cases are set up in galleys and corrections made.

SEC. 2. Section 775 of the Political Code is hereby amended so as to read as follows:

775. Within thirty days after such proof sheets are received by the supreme court, the justices of the supreme court must return them to the official reporter with such corrections as they may desire, and the official reporter must make the corrections accordingly. Before sending proof of any opinion to the supreme court or to the justices thereof, the official reporter shall carefully read the proof and cause all clerical errors to be corrected; he shall carefully verify all code citations found in the opinion, and in case of error or mistake in the citation of the same in the opinion as filed, he shall call the attention of the supreme court to the same by noting the proper section and code on the margin of the proof, and the supreme court or a justice thereof shall authorize the proper corrections to be duly made.

Proofs and
correc-
tions.

CHAPTER 679.

An act to amend section 1444 of the Code of Civil Procedure relating to appraisement of estates and pay of appraisers.

[Approved April 21, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1444 of the Code of Civil Procedure is hereby amended so as to read as follows:

1444. To make the appraisement, the court, or a judge thereof, must appoint three disinterested persons (any two of whom may act), who are entitled to receive a reasonable compensation for their services, not to exceed five dollars per day, to be allowed by the court or judge; *provided* that where it appears by the affidavit of the administrator or executor that, in his judgment, the estate is worth less than one thousand five hundred dollars, the court may appoint one appraiser to make the appraisement of such estate. The appraisers or appraiser must, with the inventory, file a verified account of their or his services and disbursements. If any part of the estate is in any other county than that in which letters issued, an appraiser or appraisers thereof may be appointed, either by the court or judge having jurisdiction of the estate, or by the court or judge of such other county, on request of the court or judge having jurisdiction. No

Appoint-
ment of
appraisers,
and number
of.

clerk or deputy, nor any person related by consanguinity or affinity to or connected by marriage with, or being a partner or employee of the judge of the court, shall be appointed or shall be competent to act as appraiser in any estate, or matter or proceeding pending before such judge or in said court.

CHAPTER 680.

An act to create a drainage district to be called Yolo basin drainage district, to promote drainage therein, and to provide for the management and control of said drainage district.

[Approved April 21, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Yolo basin
drainage
district.

SECTION 1. There is hereby created a drainage district to be known and designated as Yolo basin drainage district, the boundaries of which said district are as follows:

Bound-
aries of.

Commencing at a point on the east boundary of section twenty-six, township 3 north, range 1 east, Mount Diablo base and meridian, and twenty chains south of the northwest corner of said section. Thence east one half mile; thence south one quarter mile; thence east one half mile to the quarter-section corner on the east line of said section twenty-six; thence south one quarter mile; thence east two and one quarter miles to the center of the southwest quarter of section twenty-nine, township 3 north, range 2 east. Thence northeast to the northeast corner of said section twenty-nine; thence east one half mile to the quarter-section corner on the north line of section twenty-eight, township 3 north, range 2 east. Thence northeast to the quarter-section corner on the north line of section twenty-two, township 3 north, range 2 east. Thence east one quarter mile; thence north one half mile; thence east one half mile; thence north one quarter mile; thence east one quarter mile; thence north one quarter mile to the quarter-section corner on the north line of section fourteen, township 3 north, range 2 east. Thence east one quarter mile; thence north one quarter mile; thence east one half mile; thence north one half mile; thence east one quarter mile; thence north one half mile; thence east one quarter mile; thence north three quarters of a mile; thence east one half mile; thence north to the south corporate limit of the town of Rio Vista. Thence through said town as follows: northeasterly on a direct line to the intersection of the center line of California street with the center line of First street; thence northwesterly along the center line of California street to its intersection with the center line of the most westerly alley running northeasterly through block two; thence northeasterly

along the center line of said alley, through blocks two, one and eleven, to its intersection with the north line of the alley or street running northwesterly through the center of block twelve; thence northeasterly along the north line of said alley to its intersection with the center line of the alley running southwesterly through the center of block fourteen; thence southwesterly along the center line of said alley to its intersection with the center line of Sacramento street; thence northwesterly along the center line of said street to its intersection with the center line of Third street; thence southwesterly along the center line of Third street to its intersection with the center line of Main street; thence northwesterly along the center line of Main street to its intersection with the center line of Fourth street; thence northwesterly along the center line of Fourth street to its intersection with the center line of Sacramento street; thence northwesterly along the center line of Sacramento street to its intersection with the center line of Fifth street; thence northeasterly along the center line of Fifth street, or a continuation thereof, to the north corporate limit of said town of Rio Vista; thence southeasterly along said corporate limit to its intersection with the quarter-section line running north and south through the center of section thirty, township 4 north, range 3 east, thence north along said line to the quarter-section corner on the north line of said section thirty. Thence west one quarter mile; thence north one and one quarter mile; thence west one quarter mile, to the east line of section thirteen, township 4 north, range 2 east. Thence north three quarters of a mile to the northeast corner of said section; thence west one half mile; thence south one quarter mile; thence west one half mile; thence north one quarter mile to the northwest corner of said section thirteen; thence east one quarter mile; thence north one quarter mile; thence east one quarter mile; thence north one half mile; thence west one half mile; thence north one quarter mile, to the northeast corner of section eleven, township 4 north, range 2 east. Thence west one mile to the northwest corner of said section eleven. Thence northwest in a direct line to the southeast corner of section twenty-nine, township 5 north, range 2 east. Thence northwesterly in a direct line to the quarter-section corner on the west line of section twenty-nine, township 5 north, range 2 east. Thence west one mile to the quarter-section corner on the west line of section thirty, township 5 north, range 2 east. Thence north along range line three and one half miles to the southwest corner of section six, township 5 north, range 2 east. Thence east one half mile to the quarter-section corner on the south line of said section six; thence north one half mile; thence east one half mile to the quarter-section corner on the west line of section five, township 5 north, range 2 east. Thence north one half mile to the northwest corner of said section five; thence east along the township line three quarters of a mile; thence north one half mile; thence east one half mile; thence north one half mile to the north line of section thirty-three, township 6 north, range 2 east. Thence east one

Boundaries.

Bound-
aries.

quarter mile to the quarter-section corner on the north line of said section thirty-three: thence north one mile to the quarter-section corner on the south line of section twenty-one, township 6 north, range 2 east. Thence east one half mile to the southeast corner of said section twenty-one; thence north one half mile to the quarter-section corner on the west line of section twenty-two, township 6 north, range 2 east. Thence east one half mile; thence north one quarter mile; thence east one half mile to the east line of said section twenty-two; thence north one quarter mile to the southwest corner of section fourteen, township 6 north, range 2 east. Thence east one half mile to the quarter-section corner of the south line of said section fourteen; thence north three quarters of a mile; thence east one half mile to the east line of said section fourteen; thence north one half mile; thence east one and one half mile; thence north three and three quarter miles to the quarter-section corner on the south line of section nineteen, township 7 north, range 3 east. Thence east one half mile to the southeast corner of said section nineteen: thence north one mile to the southwest corner of section seventeen, township 7 north, range 3 east. Thence east one quarter mile: thence north one quarter mile; thence east one quarter mile; thence north one half mile; thence east one half mile to the east line of said section seventeen; thence north three quarters of a mile to the quarter-section corner on the west line of section nine, township 7 north, range 3 east. Thence east one half mile; thence north one half mile to the quarter-section corner on the north line of said section nine; thence west one half mile to the northwest corner of said section nine; thence north two miles to the southeast corner of section twenty-nine, township 8 north, range 3 east. Thence west two miles to the southwest corner of section thirty, township 8 north, range 3 east. Thence north four miles along the range line to the southwest corner of section six, township 8 north, range 3 east. Thence east one and one half miles to the quarter-section corner of south line of section five, township 8 north, range 3 east. Thence north one mile to the quarter-section corner on the north line of said section five; thence west three quarters of a mile along the township line. Thence north two and one half miles; thence west one quarter mile; thence north one half mile to the quarter section corner of south line of section eighteen, township 9 north, range 3 east. Thence west one half mile to the southwest corner of said section eighteen; thence north on the range line one half mile to the quarter-section corner on the east line of section thirteen, township 9 north, range 2 east. Thence west one half mile; thence north one half mile to the quarter-section corner on the south line of section twelve, township 9 north, range 2 east. Thence west one half mile to the southwest corner of said section twelve; thence north three miles to the southwest corner of section twenty-five, township 10 north, range 2 east. Thence, along legal subdivision lines, east one quarter mile; thence north one mile; thence east one half mile; thence north one half mile: thence west one-quarter mile to

the center of section twenty-four, township 10 north, range 2 east. Thence north one mile to the center of section thirteen, township 10 north, range 2 east. Thence east one quarter mile; thence north one mile; thence west three quarters of a mile to the quarter-section corner on the west side of section twelve, township 10 north, range 2 east. Thence north one mile to the quarter-section corner on the east line of section two, township 10 north, range 2 east. Thence west one half mile; thence north in a direct line to the quarter-section corner at the center of section thirty-five, township 11 north, range 2 east. Thence northwest in a direct line to the northwest corner of said section thirty-five. Thence following legal subdivision lines in township 11 north, range 2 east, north two miles to the northwest corner of section twenty-three; thence east one half mile; thence north one quarter mile; thence east one quarter mile; thence north to the southerly bank of the Sacramento river; thence easterly, southerly and southeasterly along the bank of the Sacramento river following all its meanderings to a point opposite Andrus and Tyler islands; thence across the easterly line of Tyler island to the bank of the Mokelumne river; thence southerly along the westerly bank of the Mokelumne river; following its meanderings to the northerly bank of the San Joaquin river; thence along the northerly bank of the San Joaquin river to a point on the section line south of the point of beginning; thence north to the point of beginning.

Bound-
aries.

SEC. 2. The management and control of said Yolo basin drainage district is hereby made subject to the provisions of an act entitled "An act to promote drainage," approved March 18, 1885, and the amendments thereto, except that the management and control of said Yolo basin drainage district shall be vested in five trustees, who shall be landowners of the district, and G. W. Chapman, Geo. B. Green, Geo. Hollenbeck, A. J. King, P. N. Ashley, are hereby made the trustees of said district until their successors are appointed or elected, and qualified. Any vacancy in the office of trustee of said district shall be filled by the appointment of some qualified person by the governor of the State of California.

Management
of
district.

SEC. 3. Within three months from the time this act goes into effect the trustees of the district shall organize as provided by law, and shall cause a certificate of their organization to be made, in which certificate shall be included a statement of the formation and boundaries of the district, a copy of which certificate shall be forwarded to the clerk of the board of supervisors of each county in which any portion of the district may lie. The trustees shall also draft by-laws for the management and control of the district and for carrying out its purposes, which by-laws shall be effective when adopted by being signed by a majority of the landowners in the district, and shall then be recorded in the office of the recorder of each county wherein any portion of the district may lie.

Organiza-
tion.

Commissioners.

SEC. 4. The board of supervisors of the county of Yolo shall appoint commissioners as provided by law to view and assess the land within the said Yolo basin drainage district, and the assessments shall be levied and collected according to law, and paid into the treasury of the county of Yolo and disbursements made therefrom as provided by law, by warrants approved by the board of supervisors of said county.

Certain act not affected.

SEC. 4½. Nothing contained in this act shall be construed as repealing or modifying the provisions of that certain act, entitled, "An act to create a drainage district to be called 'Sacramento drainage district,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensations of such officers and providing for the creation, division and management of reclamation, swamp land, levee, drainage and protection districts within said Sacramento drainage district, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905, but said act shall continue in full force and effect.

SEC. 5. This act shall take effect immediately.

CHAPTER 681.

An act to amend an act entitled an act to amend an act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time for such purpose, and to create a board of fire commissioners, approved March 4, 1881; amended March 6, 1899.

[Approved April 21, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

An act to amend an act entitled an act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes from time to time for such purpose, and to create a board of fire commissioners, approved March 4, 1881; amended March 6, 1899, is hereby amended to read as follows:

Fire departments in unincorporated towns.

SECTION 1. Any unincorporated town or village of this state may equip and maintain a fire department for the purpose of protecting property from destruction by fire.

Appointment of commissioners.

SEC. 2. Upon the application, by petition, of fifty or more taxpayers and residents of said town or village to the board of supervisors of the county in which said town or village is situated, the said board of supervisors shall appoint three com-

missioners, to be known as and called a board of fire commissioners, of the town or village for which they are appointed, who shall hold their office until the second Monday in April next thereafter, and until their successors are elected and qualified.

SEC. 3. The board of fire commissioners so appointed by said board of supervisors, and their successors, shall be authorized and empowered, and it shall be their duty:

Powers and duties of commissioners.

1. To fix and establish the fire limits of said town or village, and shall accurately describe the same, in writing by metes and bounds and file a copy thereof, subscribed by them, in the office of the county recorder of the county in which said town or village is situated;

2. To make all contracts with water companies for a supply of water, and attaching hydrants or fire plugs to the pipes, or conduits, or cisterns of such water company; to make contracts for and to purchase the engines, hose, hose carts or carriages, and other appliances for the full equipment of a fire company or department;

3. To call an election and to submit to the electors residing within said fire limits fixed by them, the question whether a tax shall be levied and raised for the purpose of establishing and equipping a fire department for the said town or village, and for protecting the same from loss by fire;

4. In the event of the establishment and equipment of a fire department in any unincorporated town or village, as provided for in this act, the board of fire commissioners are hereby directed and empowered, and it shall be their duty, to estimate and determine the annual amount of money required for the maintenance of said fire department for the ensuing fiscal year, and shall report the same to the board of supervisors of the county in which said fire district is located not later than the 1st day of July of each year;

5. To appoint judges, not less than three, and other officers, to conduct such election, and to issue certificates of election;

6. To do and perform such other acts and things as may be proper and necessary to carry out the full intent and meaning of this act.

SEC. 4. Said election must be called by posting notices in three of the most public places in said town or village, for not less than ten days, and also, if there is a newspaper printed and published in the town or village, by advertising such notice therein at least two regular issues of the paper.

Tax elections, how called.

SEC. 5. Such notice must specify the time and place for holding the election, and the amount required for the establishment and equipment of said fire department, and the amount of money to be raised for such purpose shall not exceed in any one year one per cent of the assessable property within the fire limits, as fixed by the board of supervisors; *provided*, that the amount to be raised for the maintenance of said fire department each year shall not exceed one half of one per cent of the assessable property within the fire limits as fixed by the board of fire commissioners.

What notices must specify.

Conduct of election. SEC. 6. The board of fire commissioners must appoint three judges and two clerks to conduct the election and it must be held in all respects as nearly as practicable in conformity with the general election law; *provided*, that no new register shall be required, nor legal ballot paper; *and provided further*, that the polls may be opened at eight o'clock A. M. and close at five o'clock P. M. on the day appointed for such election.

Ballots. SEC. 7. At such election the ballots must contain the words "Tax—Yes" or "Tax—No."

Returns. SEC. 8. The judges of the election shall, within twenty-four hours after holding said election, make returns and certify to the board of fire commissioners said votes, showing the number of votes cast, and the number of votes in favor of, and the number of votes against the matter voted upon.

Tax levy. SEC. 9. The board of supervisors must, at the time of levying the county taxes, levy a tax upon all the taxable property within the fire limits of the unincorporated town or village authorizing such tax sufficient to raise the amount authorized. 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 authorized by the remainder of such aggregate assessed value. The taxes so levied shall be computed and entered on the assessment roll of the county auditor and collected at the same time and in the same manner as the 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 authorized.

Moneys arising from tax. SEC. 10. All moneys arising from the tax herein authorized to be levied and collected shall be kept by the treasurer of the county in which said town or village is situated subject only to the order of said board of fire commissioners of said town or village authorizing said tax.

SEC. 11. The treasurer shall receive no compensation for the receipt and disbursement of moneys derived under the provisions of this act.

Purchase of fire hose, etc. SEC. 12. The board of fire commissioners are hereby directed and empowered to make all necessary arrangements for the purchase of rights of making connections with the pipes of water companies for fire-plugs or hydrants, in such part of the town or village as they shall deem best for the common interest, and also for purchasing fire hose and carriages, subject, however, to the provisions hereinbefore contained.

Record books. SEC. 13. They shall procure all necessary books and blanks for the purpose of keeping a correct record of their proceedings; and they shall keep a record of all their acts, of all moneys received and disbursed by them, which said books shall be open to public inspection at all times.

Audit of bills. SEC. 14. All accounts, bills, and demands against the fire department shall be audited, allowed, and paid by the board of fire commissioners by warrants drawn on the county treasurer, and the county treasurer shall pay the same in the order in which they are presented.

SEC. 15. No officer or officers created by this act shall receive any compensation for his or their services. Compensation of officers.

SEC. 16. In case of a vacancy of any or all of the members of the board of fire commissioners, after election had, by death, resignation or otherwise, such vacancy shall be filled by appointment by the board of supervisors of the county in which said vacancy may happen. Vacancies.

SEC. 17. An election shall be held annually, on the first Monday of April, for the election of three fire commissioners, who shall take their office on the next succeeding Monday in the same month; and it shall be the duty of the board of fire commissioners to give notice of such elections by posting notices thereof in three public places in the town, for at least two weeks before the day of election. They shall also appoint the judges of election. Annual elections.

SEC. 18. The judges of election shall, within twenty-four hours after holding said election, make returns and certify said votes, and the names of the person or persons voted for, to the said board of fire commissioners, and within five days after the returns have been received by the board of fire commissioners they shall count the votes, determine who has been elected, and forthwith issue certificates of election to the persons elected. Returns.

SEC. 19. Each board of fire commissioners shall at the expiration of their term of office, turn over to their successors all the books and documents belonging to the office of said board of fire commissioners, taking their receipt therefor. Succession.

SEC. 20. No assessment or act relating to assessment or collection of taxes, or elections held under the provisions of this act, shall be illegal, void, or voidable on account of any error, omission, or informality, or failure to comply strictly with the provisions of this act, nor on account of any misnomer; but the same shall be liberally construed, with a view to hold valid all acts done under this act. Act to be liberally construed.

SEC. 21. The said board of fire commissioners may regulate the construction of, and order the suspension, discontinuance, removal, repair, or cleaning of, fireplaces, chimneys, stove and stovepipes, flues, ovens, boilers, kettles, forges, or any apparatus used in any building, manufactory, or business, which may be dangerous in causing or promoting fires, and prescribe limits within which no dangerous nor obnoxious and offensive business may be carried on. Regulation of chimneys, etc.

SEC. 22. They may adopt such ordinance, within the purview of the preceding section, as they may deem proper to prevent fires and conflagrations, and for the protection of property at and during the pendency of any fire, and for that purpose may provide that at and during the pendency of any fire the officers of the fire company or companies present shall be vested with police powers. Such ordinances shall be signed by the said fire commissioners, and published in a newspaper printed in said town or village, or posted in three of the most public places thereof, for the period of two weeks, at the end of which time it shall be and become a law for the government of the inhabitants of said town or village. Fire ordinances.

Misde-
meanor.

SEC. 23. Any person who shall violate any of the provisions of said ordinance shall be guilty of misdemeanor.

Prosecu-
tions.

SEC. 24. Any justice of the peace within the townships within which said town or village is situated shall have jurisdiction of all prosecutions under this act, and sections fourteen hundred and twenty-six to fourteen hundred and forty-nine, both inclusive, title nine, chapter one, of the Penal Code, are hereby made applicable to proceedings under this act.

SEC. 25. All acts or parts of acts, so far as they do conflict with the provisions hereof, are hereby repealed.

SEC. 26. This act shall take effect and be in force from and after its passage.

CHAPTER 682.

An act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised.

[Approved April 21, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section twelve hundred and thirty-eight of the Code of Civil Procedure is hereby amended to read as follows:

Eminent
domain,
may be
exercised
in what
behalf.

1238. Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses:

1. Fortifications, magazines, arsenals, navy yards, navy and army stations, lighthouses, range and beacon lights, coast surveys, and all other public uses authorized by the government of the United States.

2. Public buildings and grounds for the use of the state, and all other public uses authorized by the legislature of the state.

3. Public buildings and grounds for the use of any county, incorporated city, or city and county, village, town or school districts; ponds, lakes, canals, aqueducts, reservoirs, tunnels, flumes, ditches, or pipes for conducting or storing water for the use of the inhabitants of any county, incorporated city, or city and county, village or town, or for draining any county, incorporated city, or city and county, village or town; raising the banks of streams, removing obstructions therefrom, and widening and deepening or straightening their channels; roads, streets and alleys; public mooring places for water craft; public parks, including parks and other places covered by water, and all other public uses for the benefit of any county, incorporated city, or city and county, village or town, or the inhabitants thereof, which may be authorized by the legislature; but the mode of apportioning and collecting the costs of such improve-

ments shall be such as may be provided in the statutes by which the same may be authorized.

Eminent domain, may be exercised in what behalf.

4. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, by-roads, plank, and turnpike roads; paths and roads either on the surface, elevated, or depressed, for the use of bicycles, tricycles, motorcycles and other horseless vehicles, steam, electric, and horse railroads, canals, ditches, dams, ponds, flumes, aqueducts and pipes for irrigation, public transportation, supplying mines and farming in neighborhoods with water, and draining and reclaiming lands, and for floating logs and lumber on streams not navigable.

5. Roads, tunnels, ditches, flumes, pipes and dumping places for working mines; also outlets, natural or otherwise, for the flow, deposit, or conduct of tailings or refuse matter from mines; also an occupancy in common by the owners or possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines.

6. By-roads leading from highways to residences, farms, mines, mills, factories and buildings for operating machinery, or necessary to reach any property used for public purposes.

7. Telegraph and telephone lines.

8. Sewerage of any incorporated city, city and county, or of any village or town, whether incorporated or unincorporated, or of any settlement consisting of not less than ten families, or of any buildings belonging to the state, or to any college or university.

9. Roads for transportation by traction engines or road locomotives.

10. Oil pipe lines.

11. Roads and flumes for logging or lumbering purposes.

12. Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes and outlets natural or otherwise for supplying, storing, and discharging water for the operation of machinery for the purpose of generating and transmitting electricity for the supply of mines, quarries, railroads, tramways, mills, and factories with electric power; and also for the applying of electricity to light or heat mines, quarries, mills, factories, incorporated cities and counties, villages or towns; and also for furnishing electricity for lighting, heating or power purposes to individuals or corporations, together with lands, buildings and all other improvements in or upon which to erect, install, place, use or operate machinery for the purpose of generating and transmitting electricity for any of the purposes or uses above set forth.

13. Electric power lines, electric heat lines, and electric light, heat and power lines.

14. Cemeteries for the burial of the dead, and enlarging and adding to the same and the grounds thereof.

15. The plants, or any part thereof or any record therein, of all persons, firms or corporations heretofore, now or hereafter engaged in the business of searching public records, or publishing public records or insuring or guaranteeing titles to real property, including all copies of, and all abstracts or memo-

Plants of searchers of public records.

Plants of
searchers
of public
records.

randa taken from, public records, which are owned by, or in the possession of such persons, firms or corporations, or which are used by them in their respective businesses; *provided, however*, that the right of eminent domain in behalf of the public uses mentioned in this subdivision may be exercised only for the purpose of restoring or replacing, in whole or in part, public records, or the substance of public records, of any city, city and county, county or other municipality, which records have been, or may hereafter be, lost or destroyed by conflagration or other public calamity; *and provided further*, that such right shall be exercised only by the city, city and county, county or municipality, whose records, or part of whose records, have been, or may be, so lost or destroyed.

CHAPTER 683.

An act to amend section nine of an act entitled "An act to provide for laying out, opening, extending, widening, straightening, or closing up in whole or in part any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889.

[Approved April 21, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Street
improve-
ments.

SECTION 1. Section nine of an act entitled "An act to provide for laying out, opening, extending, widening, straightening, or closing up in whole or in part any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889, is hereby amended to read as follows:

Assess-
ment for
damages.

Section 9. Said commissioners shall proceed to view the lands described in the resolution of intention, and may examine witnesses on oath to be administered by any one of them. Having viewed the land to be taken, and the improvements affected, and considered the testimony presented, they shall proceed, with all diligence, to determine the value of the land and the damage to improvements and property affected, and also the amount of the expenses incident to said work or improvement, and having determined the same shall proceed to assess the same upon the district of lands declared benefited, the exterior boundaries of which were fixed by the resolution of intention provided for by section two hereof. Such assessment shall be made upon the lands within said district in proportion to the benefit to be derived from said work or improve-

ment, so far as the said commissioners can reasonably estimate the same, including in such estimate the real property of any railroad company within said district, if such there be, and may also include in such estimate any or all public property within said district.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 684.

An act to amend sections 4, 6, 8, 9, 10, 11, 12, 14, 16 and 33 of an act entitled, "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24th, 1903; and to provide for the continuance of proceedings and actions for improvements under said act commenced prior to and pending at the time of the taking effect of this act.

[Approved April 21, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section four of an act entitled, "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24th, 1903, is hereby amended to read as follows:

Street
improve-
ments.

Section 4. Any person interested, objecting to said improvement, or to the extent of the assessment district, described in said ordinance of intention, may file a written protest, with the clerk of the city council, within thirty days after the first publication of the notice required by section three of this act. Every such protest must contain a description of the property in which each signer thereof is interested, sufficient to identify the same, and must set forth the nature of his interest therein, and must be accompanied by the affidavit of one of the signers thereof that each signature thereof is the genuine signature of the person whose name is thereto subscribed: and in case any signature is made by an agent, there must be attached to the protest the affidavit of the agent that

Protest,
must con-
tain what.

Findings
of council.

he is duly authorized to sign such protest. Any protest not complying with the foregoing requirements, shall not be considered by the city council. In the case of property held by tenancy in common, if any co-tenant sign such protest, only the proportionate share of the frontage thereof represented by his interest therein, shall be counted in determining the amount of frontage represented by such protest. The clerk shall endorse on every such protest the date of its reception by him, and, at the next regular meeting of the city council, after the expiration of the time for filing protests, he shall present to said city council all protests so filed with him. If such protests are against said improvement, and said city council finds that the same are signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district, all further proceedings under said ordinance of intention, excepting in the cases hereinafter otherwise provided, shall be barred, and no new ordinance of intention for the same improvement shall be passed within six months after the presentation of such protest to the city council, unless the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district shall in the mean time petition therefor. If such protests are against the improvement, and the council finds that they are not signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district, or if such protests are only against the extent of said assessment district, or if the proposed improvement is for the opening or extending of a street for a distance of not more than two blocks intervening between the terminations of two different streets, or two portions of the same street, existing at the time of the passage of the ordinance of intention for the proposed improvement, each of said different street or said portions of the same street being at least five blocks in length, and the opening or extending of the street described in the ordinance of intention through such intervening block or blocks will, together with such different streets or portions of the same street so existing, make one connecting or continuous street, as nearly as may be practicable, or if the proposed improvement is for the opening or extending of a street into a different street, for a distance of not more than one block intervening between the termination of such street so proposed to be opened or extended and such different street, when the street so proposed to be opened or extended through such intervening block exists, at the time of the passage of the ordinance of intention for a distance of at least five blocks, or if the proposed improvement is for the opening or extending of a public street, lane, alley, court or place through the remainder of a block when such public street, lane, alley, court or place exists, at the time of the passage of the ordinance of intention for the proposed improvement, for at least one half of the distance through such block, the city council shall thereupon fix a time for hearing said protests, not less than ten days after the

Time for
hearing.

meeting of the council at which such time is so fixed, and shall cause notice of the time of such hearing to be published for at least five days in a daily newspaper published and circulated in said city, or if there be no such daily newspaper, by at least two insertions in a weekly newspaper so published and circulated. The city council shall hear said protests at the time appointed, or at any time to which the hearing thereof may be adjourned, and pass upon the same, and its decision thereon shall be final and conclusive. If any such protests are sustained, no further proceedings shall be had under said ordinance of intention, but a new ordinance of intention for the same improvement may be passed at any time. If the protests are denied, the proceedings shall continue as if such protests had not been made. At the expiration of the time within which protests may be filed, if none are filed, or if protests are filed, and after hearing are denied, as above provided, then upon such denial, the city council shall acquire jurisdiction to order the improvement described in the ordinance of intention.

Hearing.

SEC. 2. Section six of said act is hereby amended to read as follows:

Section 6. Said action must be brought within sixty days after the passage of the ordinance ordering the improvement, but the council may, by ordinance, extend the time for bringing such action for an additional period not exceeding ninety days. Said action shall in all respects be subject to and governed by such provisions of the Code of Civil Procedure now existing or that may be hereafter adopted, as may be applicable thereto, except in the particulars otherwise provided for in this act.

Action. when must be brought.

SEC. 3. Section eight of said act is hereby amended to read as follows:

Section 8. When all parties defendant to the action have answered, or have been served with summons, and their default entered, the plaintiff or any party defendant to the action whose default has not been so entered, may, upon five days' notice to the parties, except defendants in default, move the court to set the action for trial. If, upon the hearing of such motion, a trial by jury or by the court without a jury is not demanded by the defendants, or any of them, or by the plaintiff, such trial shall be deemed to be waived, and the court must appoint three disinterested persons referees, to ascertain the compensation to be paid to such defendants so waiving a trial by a jury, or by the court without a jury. Such referees must be residents of the municipality where such improvement is to be made, and over the age of twenty-one years, and must take and file with the court an oath to discharge their duties faithfully and impartially. If any of such referees fails to qualify, or resigns, or is removed by order of court, or is or becomes unable to act, the vacancy so created shall be filled by the court.

Motion to set for trial.

Waiver of trial.

Appointment of referees.

SEC. 4. Section nine of said act is hereby amended to read as follows:

Report of referees.

Section 9. The referees shall at once proceed to view the lands sought to be condemned, and ascertain the compensation proper to be paid to such of the parties interested in each parcel thereof as have waived a trial by a jury, or by the court. They shall have power to examine witnesses under oath, to be administered by any of them, and may have subpoenas issued by the clerk of the court, requiring the attendance of witnesses, or the production of evidence before them. They shall make and file with the court a written report of their findings, and of their necessary expenses, within thirty days after the date of their appointment; *provided, however*, that the time so allowed may be extended, upon good cause shown, by the court or judge thereof, but such extension shall not exceed ninety days; *and provided further*, that if any vacancy in the referees is created and filled as provided in section eight of this act, or if new referees are appointed, or if a new report from the same referees is ordered, as provided in section eleven of this act, the time herein specified for the filing of such report shall be deemed to be thirty days from the date of the order filling such vacancy, or appointing new referees, or ordering a new report from the same referees, and the same may be extended accordingly, as above provided. Any two of such referees who agree thereto, may make such report.

SEC. 5. Section ten of said act is hereby amended to read as follows:

Assessment of damages.

Section 10. For the purpose of assessing the compensation and damages, the right thereto shall be deemed to have accrued at the date of the order appointing referees or of the order setting the cause for trial, as the case may be, and its actual value at that date shall be the measure of compensation for all property to be actually taken, and the basis of damages to property not actually taken, but injuriously affected, in all cases where such damages are allowed by the provisions of this act. No improvements placed upon the property proposed to be taken, subsequent to the date of the publishing of the notice of the passage of the ordinance of intention, shall be included in the assessment of compensation or damages.

Findings.

The referees, or court, or jury, as the case may be, shall find separately:

First. The value of each parcel of property sought to be condemned, and all improvements thereon pertaining to the realty, and of each separate estate or interest therein;

Second. If any parcel of property sought to be condemned is only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, and to each separate estate or interest therein, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff. Such damages must be fixed irrespective of any benefit from such improvement.

SEC. 6. Section eleven of said act is hereby amended to read as follows:

Section 11. Upon the filing of such report the court must, upon motion of any party, appoint a day for hearing the same, not less than twenty days thereafter. Notice of the time and place of said hearing must, at least ten days before the time so appointed, be served on all the other parties, except defendants whose default has been entered. The plaintiff, or any defendant who has answered, may file exceptions in writing to said report, specifying the grounds upon which such exceptions are based, at any time within not less than one day prior to the hearing; and any such party so filing exceptions to said report, may appear at the hearing of said report and contest the same. In addition to the notice hereinbefore provided, the clerk of the court must give notice of the filing of said report, and of the time and place appointed for the hearing of the same, to all persons owning or having an interest in any property included within the assessment district for said improvement described in the ordinance of intention, by causing said notice last mentioned to be published for five days in a daily newspaper published and circulated in the city; or, if there be no such daily newspaper, then by two insertions in a weekly newspaper so published and circulated. Any publication of such notice shall commence at least ten days before the time appointed for the hearing of the report. Said notice shall require all persons owning or having an interest in any property included within said assessment district for said improvement to intervene in said action, and file, in the office of the clerk of said court, his exceptions in writing to said report, if any he has, specifying the grounds upon which such exceptions are based. Said notice shall also contain a description of the said assessment district as set forth in the ordinance of intention. At any time within not less than one day prior to the hearing, any person not a party to the action, owning or having an interest in any property included within said assessment district, may intervene in the action, and file his exceptions in writing to said report, specifying the grounds upon which such exceptions are based: and any such person so intervening may appear and contest the said report, and introduce evidence in support of such exceptions. After hearing the report, and any exceptions thereto, the court may confirm the report, or may modify it and confirm it as modified, or may set it aside and order a new report from the same referees, or from new referees to be appointed. If new referees are appointed, the same proceedings shall be had as upon the first reference.

If there be a trial of the action by a jury, or by the court without a jury, the clerk of the court must give notice of the time and place of such trial to all persons owning or having an interest in any property within said assessment district for said improvement. Said notice shall be published in the same manner and for the same time as the notice hereinbefore in this section required to be given by said clerk, and shall require all persons owning or having an interest in any property included within said assessment district for said improve-

Hearing of referees' report.

Exceptions.

Notice of hearing.

Who may intervene.

Notice of trial.

ment, to intervene in said action, and to appear at the trial thereof and introduce evidence relative to the compensation and damages to be awarded to the defendants therein. At any time within not less than one day prior to the trial, any person not a party to the action, having an interest in any property included within said assessment district, may intervene in the action, and, upon the trial thereof, may appear and introduce evidence relative to the compensation and damages to be awarded to the defendants therein. The cost of the publication of the notices required by this section shall be paid by the plaintiff, and allowed as costs in the action.

Postponement.

When a time has been appointed for hearing the report of the referees, or for the trial of the action, and notice thereof has been given by the clerk by publication as in this section provided, if the hearing of trial be postponed or continued by the court to any subsequent date, no such notice need be given by the clerk of the hearing or trial upon any such postponement or continuance.

SEC. 7. Section twelve of said act is hereby amended to read as follows:

Interlocutory judgment.

Section 12. Upon the confirmation of the report of the referees, or receipt of the verdict of the jury, or the filing of the findings of the court, the court shall make and enter an interlocutory judgment in accordance with such report, verdict or findings, adjudging that upon payment to the respective parties, or into court for their benefit, of the several amounts found due them as compensation, and of the costs allowed to them, the property involved in the action shall be condemned to the use of the plaintiff, and dedicated to the use specified in the complaint. The court shall allow to the referees, as costs to be paid by the plaintiff, a reasonable compensation for their services, the amount of which compensation shall be fixed by the court upon the hearing of the report, and their necessary expenses.

SEC. 8. Section fourteen of said act is hereby amended to read as follows:

Council may dismiss action.

Section 14. The city council may, at any time prior to the entry of the interlocutory judgment, abandon the proceedings by ordinance, and cause the said action to be dismissed without prejudice.

SEC. 9. Section sixteen of said act is hereby amended to read as follows:

Assessment of expenses.

Section 16. The city engineer shall deliver said diagram to the street superintendent, and shall endorse thereon the date of such delivery. The street superintendent upon receiving the said diagram shall proceed to assess the total expenses of the proposed improvement upon and against the lands, including the property of any railroad or street railroad, within said assessment district, except the land to be taken for such improvement, in proportion to the benefits to be derived from said improvement. The street superintendent shall complete said assessment within sixty days after the receipt by him of said diagram; *provided, however*, that the city council may by

order extend the time for completing said assessment for a period not exceeding ninety days additional. The total expense of the improvement so to be assessed shall include the amounts awarded to the defendants by the interlocutory judgment in the action for condemnation, together with their costs, the compensation and expenses of the referees, as allowed by the court, and all other costs of the plaintiff in such action, the expenses of making the assessment, and all expenses necessarily incurred by said city, in connection with the proposed improvement, for the publication of ordinances, posting and publication of notices, for maps, diagrams, plans, surveys, searches and certificates of title to the property to be taken, and all other matters incident thereto.

Sec. 10. Section thirty-three of said act is hereby amended to read as follows:

Section 33. The following words and phrases shall, where used in this act, have the following meanings:

Meanings
of certain
words.

(1) The term "improvement" includes all of the improvements mentioned in section one of this act.

(2) The terms "municipality" and "city" include all incorporated cities, cities and counties, and other corporations organized for municipal purposes.

(3) The terms "city council" and "council" include any body or board in which by law is vested the legislative power of any municipality.

(4) The terms "clerk" and "city clerk" include any person or officer who acts as clerk of said city council.

(5) The terms "treasurer" and "city treasurer" include any person or officer who has charge and makes payment of the city funds.

(6) The term "street superintendent" includes any officer or board whose duty it is by law to have the care or charge of streets or the improvement thereof, in any city. In any city where there is no street superintendent, or no such board, the city council thereof is hereby authorized to appoint a suitable person to perform the duties imposed by this act on the street superintendent, and all of the provisions hereof applicable to the street superintendent shall apply to the person so appointed.

(7) The terms "owner" and "any person interested" include the person owning the fee, or the person in whom, on the day any protest or petition is filed, the legal title to real property appears, by deeds duly recorded in the county recorder's office of the county in which said city is situated, or any person in possession of real property, as the executor, administrator, trustee under an express trust, guardian or other legal representative of the owner, or any person in possession of real property under a written contract of purchase thereof duly recorded, or any person in possession of real property, as lessee thereof under a lease duly recorded, which shall require such lessee to pay or discharge all assessments for street or other public improvements, that may be levied or assessed against such real property.

Pending
actions.

SEC. 11. Any proceeding or action for any improvement, such as is provided for in this act, or in said act to which this act is amendatory, already commenced and pending at the time this act takes effect, under or by virtue of any ordinance of intention theretofore passed, shall, from the stage of any such proceeding or action already commenced and in progress at the time this act takes effect, be continued under the provisions of this act. Any such proceeding or action shall then be continued and conducted under the provisions of this act, with full force and effect in all respects from the stage of such proceeding or action at and from the taking effect of this act; and from the taking effect of this act all proceedings theretofore had for any such improvement, and all proceedings theretofore had or taken in any such action, are hereby ratified, confirmed, and made valid, and it shall not be necessary to renew or conduct over again any such proceedings or actions, commenced prior to the taking effect of this act.

CHAPTER 685.

An act to provide for the improvement of public streets, lanes, alleys, courts and places in municipalities, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby.

[Approved April 21, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Street
improve-
ments.

Damage to
private
property.

SECTION 1. Whenever the public interest or convenience may require, the legislative body of any city, after having by ordinance or resolution established or changed or modified the grade of any public street, lane, alley, court or place in said city, or any portion thereof, is hereby empowered, in any case where in the opinion of said legislative body any damage to private property would result from the improvement thereof, to order the whole, or any part, either in length or width, of such public street, lane, alley, court or place, to be improved to conform to such official grade by grading or regrading, paving or repaving, planking or replanking, macadamizing or remacadamizing, piling or repiling, capping or recapping, graveling or regraveling, oiling or reoiling, sewerage or resewering, sidewalking or residewalking, curbing or recurbing, or guttering or reguttering, or by the building of storm water ditches or channels or breakwaters, levees, walls of rock or of other material to protect the same from overflow or injury, or by constructing manholes, culverts, bridges, cesspools, tun-

nels or cross walks, or by the doing of any other work which shall be necessary to complete the whole or any portion of said public street, lane, alley, court or place, under the proceedings hereinafter provided, and in accordance with plans and specifications prepared by the city engineer of said city, and approved by the legislative body thereof.

SEC. 2. Before ordering any improvement described in section 1 hereof, the said legislative body shall pass an ordinance or resolution declaring its intention so to do, and that in its opinion damage to private property would result from such improvement, describing the proposed improvement, fixing a time and place for the hearing of protests in relation thereto by said legislative body, which time shall be not less than twenty nor more than thirty days from the date of the passage of said ordinance or resolution of intention, and specifying the exterior boundaries of the district of land to be benefited by said improvement and to be specially assessed to pay the costs and expenses thereof, and the damages caused by said improvement, which shall be known as the assessment district. Said legislative body may include in one improvement the whole or any portion of one or more streets, lanes, alleys, courts or other public places, and any or all of the different kinds of work mentioned in section 1 hereof, and may exclude therefrom any of said work already done to the official grade.

Resolution
of
intention.

SEC. 3. Said ordinance or resolution of intention shall be conspicuously posted for two days on or near the chamber door of said legislative body, and published by two insertions in a daily or weekly newspaper published and circulated in said city, and designated by said legislative body for said purpose. If no such newspaper be so published and circulated in said city, such posting of said ordinance or resolution of intention shall be sufficient. The superintendent of streets shall thereupon cause to be conspicuously posted along all streets and parts of streets within the assessment district described in the ordinance or resolution of intention, not more than one hundred feet apart, notices (not less than three in all) of the passage of said ordinance or resolution. Said notices shall be headed "Notice of Street Work" in letters not less than one inch in length, shall be in legible characters, and shall state the fact and date of the passage of said ordinance or resolution of intention and the time and place fixed for the hearing of protests, and notify all persons interested to appear at said time and place with their objections to said improvement, if any they have, and briefly describe the proposed improvement, and refer to the ordinance or resolution of intention for further particulars. He shall also cause a notice of similar substance to be published for a period of five days in a daily newspaper published and circulated in said city, or if there is no such daily newspaper, then by two successive insertions in a weekly newspaper so published and circulated. If no such newspaper be so published and circulated in said city, such notice shall be also posted on or near the chamber door of the legislative

Publica-
tion of
resolution.

Posting of
notices.

Publica-
tion of
notice.

body of said city, and in two other public places in said city. Such posting and publication must be completed at least fifteen days before the day set for the hearing of protests.

Protests.
must con-
tain what.

SEC. 4. At or before the time fixed for the hearing, any person interested, objecting to the proposed improvement or to the extent of the assessment district described in the ordinance or resolution of intention, may file a written protest with the clerk of said legislative body. Every protest must contain a description of the property in which each signer thereof is interested and set forth the nature of his interest therein and must be accompanied by the affidavit of one of the signers thereof that each signature thereto is the genuine signature of the person whose name is thereto subscribed, and in case any signature is made by an agent, there must be attached to the protest the affidavit of the agent that he is duly authorized to sign such protest. Any protest not complying with the foregoing requirements shall not be considered by said legislative body. The clerk shall endorse on every such protest the date of its reception by him, and at the time fixed for the hearing, or at any other time to which the hearing may be adjourned, he shall present to said legislative body all protests so filed with him. Before the hearing of any protests there shall be filed with such legislative body affidavits showing that the said notices have been posted and published as hereinbefore required, and the said legislative body shall thereupon cause to be entered in its minutes an order reciting that notice of said hearing has been posted and published as required by law, and such order shall be prima facie evidence of the truth of the facts therein recited.

Affidavits
of posting.

Findings
of council.

If such protests are against the said improvement, and the legislative body finds that the same are signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within the assessment district, all further proceedings under said ordinance or resolution of intention shall be barred, except as hereinafter provided, for six months after the presentation of such protests to such legislative body, and no new ordinance or resolution of intention for the same improvement shall be passed within said six months, unless the owners of a majority of the frontage of the property fronting on the streets or parts of streets within said assessment district shall in the mean time petition that said improvement be made. If such protests are against the improvement, and the legislative body finds that they are not signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within the assessment district, or if such protests are only against the extent of the assessment district, or if the proposed improvement is the construction of sewers, manholes, culverts, cess-pools, crosswalks, gutters, curbs or sidewalks, or extends for a distance of not more than one block of any street and at least one block of such street immediately adjacent thereto on both ends of the block proposed to be improved has already been

improved, or extends for a distance of not more than one block at the end of a street and at least one block immediately adjacent thereto has already been improved, the legislative body shall hear said protests at said meeting, or at any time to which the hearing thereof may be continued, and pass upon the same, and its decision shall be final and conclusive. If such protests are sustained, no further proceedings shall be had under said ordinance or resolution of intention, but a new ordinance or resolution of intention for the same improvement may be passed at any time. If such protests are denied, the proceedings shall continue as if such protests had not been made.

Hearing of
protests.

SEC. 5. If no protests are filed at or before the time fixed for the hearing thereof by the ordinance or resolution of intention, or if protests are filed, and after hearing are denied, as above provided, the legislative body shall have jurisdiction to order the improvement described in the ordinance or resolution of intention. Having acquired such jurisdiction, it shall by ordinance or resolution order such improvement to be made, and refer the same to the commission hereinafter provided for, to estimate the damages caused thereby, and report an assessment of said damages, and of all costs and expenses of the improvement, on the property benefited thereby. Said ordinance or resolution shall describe the improvement in the same manner as the ordinance or resolution of intention, and shall be published by two insertions in a daily or weekly newspaper published and circulated in said city, or if no such newspaper be so published and circulated, said ordinance or resolution shall be posted on or near the chamber door of the legislative body, and at two other public places in said city.

Jurisdiction, when
acquired.

SEC. 6. In any city having a board of public works created by its charter or by law, such board, and in other cities the mayor, city engineer or surveyor and superintendent of streets, or if all of such officers last mentioned do not exist in cities having no board of public works, any three competent and disinterested persons appointed by said legislative body, shall act as a commission to estimate the damages caused by said proposed improvement and to assess the same, and all costs and expenses of said proposed improvement upon the property benefited thereby. Such commissioners, if they are appointed by said legislative body as aforesaid, shall be sworn to make the assessment of benefits and damages faithfully, impartially and to the best of their ability. Said commission shall have power to subpoena witnesses to appear before it to be examined under oath, which any of said commissioners may administer.

Commission to
estimate
damages.

SEC. 7. Upon the passage of the final ordinance or resolution referred to in section 5 hereof, said commission shall appoint a time and place for the hearing of petitions for damages caused by said improvement, and shall cause notice of such time and place to be published for at least five days in a daily newspaper, or three times in a weekly newspaper, published in said city, or if no such newspaper is so published and circulated, then by posting for two days in three public places

Hearing
petitions
for
damages.

in said city. The time set for hearing such petition shall be not less than thirty days from the first publication or posting of such notice. Before said hearing said commission shall view the location of the proposed improvement, and the property affected thereby. Said hearing may be continued from time to time by said commission.

Claims for damages.

SEC. 8. At or before the time set for hearing of petitions for damages any person owning property, and claiming that the same will be damaged by said proposed improvement, shall file with the city clerk, who shall transmit the same to the commission, a petition showing the fact of such ownership, the description of the property claimed to be damaged, its market value, and the amount of damages which it is claimed such property will sustain by the proposed improvement, and the post office address of such petitioner, or his agent. Every such petition shall be verified by the oath of the petitioner or his agent. After considering the petitions filed as hereinbefore provided, and after hearing the petitioners who may appear, and after viewing the location of the proposed improvement and the property affected thereby, said commission shall proceed to determine the amount of damages, if any, which will be sustained by each such petitioner because of the proposed improvement. No damages or compensation whatsoever shall be allowed or awarded to the owner of any property affected by said improvement unless a petition therefor be filed as provided in this section, and any property owner who fails to file a petition for damages as hereinbefore provided, shall be deemed to have waived any and all claims for damages caused by said improvement.

Proposals for doing work.

SEC. 9. Before the awarding of any contract by the legislative body for doing any work authorized by this act, said legislative body shall cause notice, with specifications, to be posted conspicuously for five days on or near the chamber door of said legislative body, inviting sealed proposals or bids for doing the work ordered, and shall also cause notice of said work inviting said proposal, and referring to the specifications posted or on file, to be published for two days in a daily, or weekly newspaper published and circulated in said city, designated by said legislative body for that purpose, and in case there is no newspaper published in said city, then it shall only be posted as hereinbefore provided. Every bid shall be delivered to the clerk of the legislative body and shall be accompanied by a check certified by a responsible bank, amounting to ten per cent. of the amount of the bid, payable to the order of the said clerk, or by a bond for the said amount, and so payable, signed by the bidder and by two sureties who shall justify before any officer competent to administer an oath, in double the said amount, and over and above all statutory exemptions, and said amount shall be forfeited to the city in case the bidder depositing the same does not, within ten days after written notice that the contract has been awarded to him, enter into a contract with the city to do the work, with the bond hereinafter required, and any other bonds required by law. Said bids shall be opened

Bids.

by the legislative body in public session and publicly declared, and no bid shall be considered unless accompanied by said bond or said certified check. The legislative body must let the contract to the lowest responsible bidder who shall give bond for the faithful performance of the work in such sum as may be required by it, and such other bonds as may be required by law, with sureties satisfactory to said legislative body; *provided, however*, that the legislative body may reject any and all bids, should it deem this for the public good, and also the bid of any person who has been delinquent or unfaithful in the performance of any former contract with the city, or of any other contract let by or under the authority thereof.

The contract must provide that the work shall be done under the supervision of the city engineer or surveyor, and no work shall be paid for until it has been accepted by the legislative body. Whenever the contractor desires the work or part thereof to be accepted he must make written application to that effect to the legislative body. Upon the filing of such application for acceptance, the clerk of the legislative body shall give not less than five days' notice by publication by two insertions in a daily or weekly newspaper published and circulated in the city, or by posting for two days in three public places in the city, in case no such newspaper is published and circulated therein, that at a certain time and place to be named in said notice the legislative body of the city will hear and consider any objections to the acceptance of the work, or part of the work, for the acceptance of which said contractor has made such application, and only after such hearing shall any work be accepted. If upon such hearing any objections to the acceptance are made and are sustained by the legislative body, the legislative body must require the contractor to take such steps as will remove such objections; and in the event of his failure to do so within such time as the legislative body shall prescribe, the legislative body may relet such portion of the work and charge the contractor the cost thereof together with all expenses incident to said reletting, and retain the same out of any moneys due or to become due to him under the contract, and also hold him and his sureties responsible therefor upon his bond.

Supervision of work.

The contract shall provide that the work must be commenced within twenty days after the contractor receives written notice from the superintendent of streets that there is sufficient money in the special fund devoted to the proposed improvement to pay the contract price, and completed within such time as the legislative body shall prescribe. If the contractor abandons the work, or fails to proceed with the same as rapidly as required by his contract, the legislative body may relet the contract, or any portion thereof, and pay the cost of the same and also any expenses incidental to the reletting, out of any funds due or to become due the contractor, and also hold him and his sureties responsible upon his bond for such cost and expenses, and also for any damages resulting from such abandonment.

What contract must provide.

Upon the signing of the contract for the doing of the work,

the clerk of the legislative body, if there be no board of public works in said city, shall certify to such commission the amount of the contract price.

Assessment for benefits.

SEC. 10. The commission shall, as soon as practicable, after determining what damages will be caused by said improvement, and, after the signing of the contract for the work, assess the total amount of the damages so determined, the total amount of the contract price for the doing of such work, and the total amount of all the incidental expenses of such improvement, which shall include the necessary expenses and disbursements of the commission, the cost of making the assessment, and all expenses necessarily incurred by the city in connection with the proposed improvement for maps, diagrams, plans, surveys and other matters incident thereto, upon the respective lots or parcels of land in the assessment district described in the ordinance or resolution of intention, in proportion to the benefits to be received by such lots or parcels of land, respectively, from the said improvement, and shall make and file with the clerk of the legislative body a report in writing containing the following:

What commission must report.

1. A schedule describing the lots or parcels of land belonging to each petitioner for damages and which will be damaged by said proposed improvement, stating the amount of damages to each lot or parcel as determined by the commission, and the name of the owner of each such lot or parcel of land so damaged.

2. A diagram showing the assessment district, and also the boundaries and dimensions of the respective lots or parcels of land within said district, and each of such lots or parcels of land shall be given a separate number in red ink upon said diagram.

3. A proposed assessment of the total amount of damages that will be caused by said improvement, as determined by the commission, the total amount of the contract price for the work and the total amount of the incidental expenses thereof as above specified, upon the respective lots or parcels of land in said district in proportion to the benefits to be received by such lots or parcels of land, respectively, from said improvement. Said assessment shall refer to such lots or parcels of land upon said diagram by the red ink numbers thereof, and need contain no other description thereof, and shall show the names of the owners, if known, otherwise designating them as unknown: but no mistake in the name of the owner of any lot or parcel of land shall affect the validity of the assessment thereon.

In case the commissioners do not all agree, a majority of the whole number may make such report.

Hearing of report.

SEC. 11. Upon the filing of the report provided for in section 10 hereof, the clerk of the legislative body shall present such report to the legislative body, which shall fix a day for the hearing thereof by said legislative body, which day shall not be less than twenty days from the date of filing such report, and shall cause a notice of such hearing to be published by the clerk thereof, by three insertions in a daily newspaper published and circulated in said city, or if there be no daily news-

paper in said city, then by two successive insertions in a weekly newspaper so published and circulated; or if no newspaper is so published and circulated, then by posting for two days in three public places in said city. Such publication shall be completed at least ten days before the date fixed for the hearing. Said notice shall state the fact that such report has been filed, and the date set for the hearing thereof, and require all persons interested to file with the clerk their objections, if any they have, to the confirmation of said report at or before the time fixed for the hearing.

SEC. 12. Any objection to said report shall be in writing signed by the objector, or his agent, and shall comply with the requirements of section 4 hereof for the form and substance of protests, and shall be filed with the clerk of the legislative body at or before the time fixed for the hearing. At the time fixed, or at any other time to which the hearing may be continued, the legislative body shall hear said report and any objections thereto, and any person interested may appear and be heard upon said report and objections.

After such hearing the legislative body shall pass upon the report and may confirm, modify or correct the same, or may confirm the report as modified or corrected, or order the commission to make and file a new report, which shall be heard in like manner as the first report, and after like notice of hearing. If no objections are filed, or if the objections filed are not sustained, the legislative body shall confirm the report. The action of the legislative body upon said report shall be declared by resolution entered upon its minutes, and shall be final and conclusive, except as to the damages to be caused by the proposed improvement; and when said report is confirmed, or is confirmed as modified or corrected, the clerk of the legislative body shall transmit the diagram and assessment provided for in section 10 hereof, as finally confirmed, to the city tax collector. The tax collector shall thereupon record such assessment and diagram in his office in a suitable book to be kept for that purpose, and append thereto his certificate of the date of such recording, and such record shall be the assessment roll. From the date of such recording all persons shall be deemed to have notice of the contents of such assessment roll. Immediately upon such recording the several assessments contained in such assessment roll shall become due and payable, and each of such assessments shall be a lien upon the property against which it is made, paramount to all other liens, except taxes and prior assessments; and such lien shall only be discharged by payment of the assessment or by redemption of the land after sale for delinquency. The tax collector shall, upon the recording of said assessment, give notice by publication for five days in a daily newspaper published and circulated in said city, or by two insertions in a weekly newspaper so published and circulated; or in case no such daily or weekly newspaper is so published and circulated in said city, then by posting such notice for four days in three public places in said city, that said assessment has been recorded in his office and that all sums

Objections.

Action of legislative body on report.

Assessment roll.

Notice of assessment.

assessed therein are due and payable immediately, and that payment of the said sums must be made to him within thirty days after the date of the first publication or posting, which date shall be stated in the notice. Said notice shall also contain a statement that all assessments not paid before the expiration of the said thirty days shall become delinquent, and that thereupon five per cent. upon the amount of each such assessment will be added thereto. When payment of any assessment is made the tax collector shall mark opposite such assessment the word "paid," the date of payment, and the name of the person by or for whom the same is paid, and shall give a receipt therefor. Upon the expiration of said period of thirty days, all assessments then unpaid shall become delinquent, and the tax collector shall mark each such assessment "delinquent" on said assessment roll, and add five per cent to the amount thereof.

Delin-
quent as-
sessment,
publica-
tion of.

SEC. 13. The tax collector shall within ten days from the date of such delinquency begin the publication of a list of the delinquent assessments, which list must contain a description of each lot or parcel of land delinquent, and opposite each description the name of the owner as stated in the assessment roll, and the amount of the assessment and costs due, including the cost of advertisement, which cost of advertisement shall not exceed the sum of fifty cents for each parcel of land separately assessed. He shall append to and publish with said delinquent list a notice that unless each assessment delinquent, together with the penalty and costs thereon, is paid, the property upon which such assessment is a lien will be sold at public auction at a time and place to be specified in the notice. Such publication must be made by five insertions in some daily newspaper published and circulated in the city, or by two insertions in a weekly newspaper so published and circulated, or, in case no such newspaper is so published and circulated in said city, such list of delinquent assessments and notice shall be posted in three public places in said city for five days. The time of sale must not be less than five days nor more than ten days after the last publication of said list, or after the completion of such posting, as the case may be, and the place of sale must be in or in front of the office of the tax collector.

At any time after such delinquency and prior to the sale of any piece of property assessed and delinquent, any person may pay the assessment on such piece of property together with the penalties and costs due thereon, including the cost of advertising, if such payment is made after the first publication of the list of delinquent assessments.

Sale of
property
advertised.

SEC. 14. At the time and place fixed for the sale the tax collector must commence the sale of the property advertised, commencing at the head of the list, and continuing in numerical order of lots or parcels of land until all are sold; *provided* that he may postpone or continue the sale from day to day until all the property is sold. Each lot or parcel of land separately assessed must be offered for sale separately, and the person who will take the least quantity of land and then there pay the amount of the assessment, penalty and costs due, including fifty

cents to the tax collector for a certificate of sale, shall become the purchaser. In case there is no other purchaser for any lot or parcel of land offered for sale, the same shall be struck off to the city as purchaser.

SEC. 15. After making the sale the tax collector must execute in duplicate a certificate of sale setting forth a description of the property sold, the name of the owner thereof as given in the assessment roll, that said property was sold for a delinquent assessment (specifying the improvement for which the same was made), the amount for which such property was sold, the date of sale, the name of the purchaser, and the time when the purchaser will be entitled to a deed. The tax collector must file one copy of such certificate in his office and deliver the other to the purchaser, or if the city is the purchaser, to the clerk of the legislative body, who shall file the same in his office. Upon the filing of the copy of such certificate in the office of the tax collector, the lien of the assessment shall vest in the purchaser and is only divested by a redemption of the property as in this act provided.

Certificate
of sale.

The tax collector shall also enter upon the assessment roll opposite the description of each piece of property offered for sale, the description of the portion thereof sold, the amount for which the same was sold, the date of the sale and the name of the purchaser.

SEC. 16. At any time before the expiration of one year from the date of the sale, any lot or parcel of land sold for a delinquent assessment may be redeemed by any party in interest by the payment to the tax collector of the amount for which the property was sold, and in addition thereto, ten per cent. thereon if paid within six months from the date of sale; and twenty-five per cent. if paid within twelve months. When redemption is made the tax collector shall note that fact and the date thereof on the duplicate certificate of sale on file in his office, and deposit the amount paid with the city treasurer, who shall credit the purchaser named in the certificate of sale with the said amount and pay the same to such purchaser, or to his assigns, upon the surrender of the certificate of sale and upon satisfactory proof of assignment thereof, if any. When the city is the purchaser, the tax collector shall notify the clerk of the legislative body of the redemption and such clerk shall thereupon cancel the certificate of sale on file in his office.

Redemption
of
property
sold.

SEC. 17. At any time after the expiration of twelve months from the date of sale, the tax collector must execute to the purchaser, or to his assignee on his application, if such purchaser or assignee has complied with the provisions of this section, a deed of the property sold, in which shall be recited substantially the matters contained in the certificate, also any assignment thereof, and the fact that no person has redeemed the property. The tax collector shall receive from the applicant for a deed, one dollar for making such deed, unless the city is the purchaser, in which case no charge shall be made therefor. The purchaser or his assignee, must at least thirty days before he applies for a deed, serve upon the owner of the property, and upon the occupant of such property, if the same

Deeds to
purchaser

Service of
notice by
purchaser.

is occupied, a written notice, setting forth a description of the property, that said property has been sold for a delinquent assessment (specifying the improvement for which the same was made), the amount for which it was sold, the amount necessary to redeem at the time of giving notice, and the time when such purchaser or assignee will apply to the tax collector for a deed. If the said owner can not be found, after due diligence, said notice must be posted in a conspicuous place upon said property, at least thirty days before the time stated therein, at which the application for a deed will be made. The person applying for a deed must file with the tax collector an affidavit or affidavits showing that notice of such application has been given, as herein required, and if the notice was not served on the owner of the property personally, that due diligence was used to find said owner; which affidavit or affidavits must be filed by the tax collector in his office. If redemption of the property is made after such affidavits are filed, and more than eleven months from the date of sale, the person making such redemption must pay, in addition to the other amounts required, three dollars for the service of notice and the making of such affidavits, which amount shall be paid over to the purchaser or his assignee in the same manner as other sums paid for redemption. No deed for any property sold for delinquent assessment shall be made until the purchaser or his assignee has complied with all the provisions of this section, and filed the proper affidavits with the tax collector.

Penalty on redemption.

Such deed shall be prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings prior to the execution thereof and of title in the grantee.

Disposition of funds collected.

SEC. 18. The funds collected by the tax collector under the proceedings herein provided for, either upon voluntary payment, or as the result of sales, shall be paid by said tax collector, as fast as collected, to the treasurer of said city, who shall place the same in a special fund designated by the number or name of the proceedings, and payments shall be made out of said special fund only for the purposes provided for in this act. To expedite the making of any such improvement, the legislative body may at any time transfer into said special fund, out of any money in the general fund, such sums as it may deem necessary, and the sums so transferred shall be deemed a loan to such special fund and shall be repaid out of the proceeds of the assessments provided for in this act. After all sales provided for in section 14 of this act have been made, the tax collector shall report to the legislative body of the city the amount collected.

Notice of payment of damages.

SEC. 19. When sufficient money is in the hands of the city treasurer, in the special fund devoted to the proposed improvement, to pay the total amount of estimated damages therefrom, all expenses of the proceeding and the cost of doing the work, it shall be the duty of the clerk of the legislative body to notify the contractor for the work of that fact, and to draw demands on said special fund for the respective amounts of damages awarded by the report, and to notify the owner of each parcel of land declared by the report to be damaged if

the name of such owner is stated in the report, that the awards of damages are payable, and that he may receive the sum awarded to him on executing a release to said city of all liability for damages caused by said improvement. Such notification may be given by depositing a notice, postage prepaid, in the post office addressed to such person at his last known place of residence.

SEC. 20. If any owner of property that will be damaged by the proposed improvement shall fail or refuse to accept the amount awarded to him by the report provided for in section 10 hereof, the legislative body may cause proceedings to be brought against him in the name of the city, in the proper superior court, to have the amount of damage to such property determined. Such proceedings shall conform, as nearly as may be, to the provisions of the Code of Civil Procedure regarding eminent domain; *provided, however*, that the plaintiff shall not be required to pay the amount of damages awarded within thirty days after judgment. In such proceeding the ordinance ordering the improvement shall be conclusive evidence of the necessity of the same.

Refusal to accept award of damages.

If no such proceeding is brought against him any owner of property that is damaged by the proposed improvement may decline to accept the amount awarded him, if any, and bring an action against the city to recover the amount to which he claims to be entitled. Any such action must be brought within thirty days after the final completion of the improvement. If in such action he fails to recover more than the amount awarded to him by the report aforesaid, he shall not recover costs.

SEC. 21. If the first assessment for any improvement fails to raise a sufficient amount of money to pay all costs, damages and expenses of the improvement, including any judgments rendered in the actions and proceedings mentioned in section 20 and the costs and expenses of such actions or proceedings, the legislative body may pay the deficit out of the general fund, or may order a supplemental assessment to raise such deficit, which shall be made and collected in the same manner, as nearly as may be, as the first assessment, and so on until sufficient money shall have been raised to pay for such improvement.

Supplemental assessment may be ordered.

SEC. 22. The following words and phrases shall, where used in this act, have the following meanings:

Meanings of certain words.

1. The term "improvement" includes all the improvements mentioned in section 1 of this act.

2. The term "city" includes every incorporated city, city and county, or other corporation organized for municipal purposes.

3. The term "city treasurer" includes any officer who has charge and makes payment of the city funds.

4. The term "superintendent of streets" includes any officer or board whose duty it is by law to have the care or charge of streets or the improvement thereof, in any city. In any city where there is no superintendent of streets, or such board,

the legislative body is hereby authorized to designate some other officer to perform the duties imposed by this act on the superintendent of streets, and all the provisions hereof applicable to the superintendent of streets shall apply to the officers so designated.

5. The term "owner" or the term "any person interested" is deemed to be the person owning the fee, or the person in whom on the day any protest is filed, the legal title to real property appears by deeds duly recorded in the county recorder's office of the county in which said city is situate; or any person in possession of real property as the executor, administrator, trustee under an express trust, guardian or other legal representative of the owner, or any person in possession of real property under written contract of purchase, duly recorded.

6. The term "tax collector" includes any officer of the city whose duty it is to collect city taxes. In any city where there is no tax collector, the legislative body is hereby authorized to designate some other officer to perform the duties imposed by this act on the tax collector, and all the provisions hereof applicable to the tax collector shall apply to the officer so designated.

Certain
acts not
affected.

SEC. 23. This act shall in nowise affect an act entitled: "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18th, 1885; or an act entitled: "An act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and also for payment of said bonds," approved February 27th, 1893; or an act entitled: "An act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, such act to be known as the 'Local Improvement Act of 1901,'" which became a law February 26th, 1901, or amendments to any of said acts, or any other acts on the same subject, or apply to proceedings had thereunder, but is intended to and does provide an alternate system for making the improvements provided for by this act; and it shall be in the discretion of the legislative body of any city to proceed, in making said improvements, under the provisions either of this act or of such other acts; but when any proceedings are commenced under this act, the provisions of this act, and of such amendments thereof as may be hereafter adopted, and no other, shall apply to all such proceedings, and any provisions contained in said acts or any acts in conflict herewith shall be void and of no effect as to the proceedings commenced under this act.

Name of
act.

SEC. 24. The provisions of this act shall be liberally construed to promote the objects thereof. This act may be designated and referred to as the "Street Improvement Act of 1909," and shall take effect and be in force upon its passage and approval.

CHAPTER 686.

An act to add a new section to the Code of Civil Procedure of the State of California, to be known as section 1046a relating to the filing of papers nunc pro tunc under order of court, in actions brought under the provisions of any statute for the establishment and quieting of title to real property in case of loss or destruction of public records.

[Approved April 21, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure of the State of California, to be numbered section 1046a and to read as follows:

1046a. In all cases brought under the provisions of any act providing for the establishment and quieting of title to real property in cases where the public records in the office of the county recorder have been, or shall hereafter be, lost or destroyed, in whole or in any material part by flood, fire or earthquake, all papers filed under order of court nunc pro tunc as of the date when they should have been filed, shall have the same force and effect as if filed on the date when they should have been filed.

Filing of certain papers nunc pro tunc.

SEC. 2. This act shall take effect immediately.

CHAPTER 687.

An act to amend section 1617 of article VII of the Political Code, relating to and defining the powers and duties of trustees of school districts and of boards of education in cities by changing the provisions of certain sections, by adding new sections and by renumbering certain sections.

[Approved April 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1617 of article VII of the Political Code is hereby amended to read as follows:

1617. The powers and duties of trustees of common school districts, and of boards of education in city school districts, are as follows:

Trustees of school districts, powers and duties.

First—To prescribe and enforce rules, not inconsistent with law or those prescribed by the state board of education, for their own government and government of schools, and to trans-

act their business at regular or special meetings, called for such purpose, notice of which shall be given each member.

Powers
and duties.

Second—To manage and control the school property within their districts, and pay all moneys collected by them, from any source whatever, for school purposes, and all moneys apportioned to them from taxes levied and collected under the authority of city councils for school purposes, into the county treasury, to be placed to the credit of the special fund of their districts.

Third—To purchase text-books of the state series for the use of pupils whose parents are unable to purchase them, school furniture, including organs and pianos, and apparatus, and such other things as may be necessary for the use of schools; *provided*, that, except in city school districts governed by boards of education, they purchase such books and apparatus only as have been adopted by the county board of education.

Fourth—To rent, furnish, repair and insure the school property of their respective districts.

Fifth—When directed by a vote of their districts to build schoolhouses or to purchase or sell school lots.

Sixth—To make, in the name of the district, conveyances on all property belonging to the district, and sold by them.

Seventh—To employ the teachers, and excepting in city school districts having city boards of education, immediately notify the superintendent of schools, in writing of such employment, naming the grade of certificate held by the teacher employed; also to employ janitors and other employees of the school; to fix and order paid their compensation, unless the same be otherwise prescribed by law; *provided*, that no board of trustees shall enter into any contract with such employees to extend beyond the thirtieth day of June next ensuing; *and provided further*, that any board of trustees or city board of education may pay the teachers employed by them by the calendar month in twelve payments instead of by the school month, beginning such payments on the first Monday of the calendar month following the opening of the current school year, and continuing such payments in like manner from month to month until the teachers have been paid the full amount due to them.

Eighth—To suspend or expel pupils for misconduct, when other means of correction have failed to bring proper conduct.

Ninth—To exclude from schools children under six years of age, except as hereinafter provided; *provided*, that where the kindergarten is a part of the day elementary schools, children may be admitted to the kindergarten classes at four years of age; *and provided further*, that where any district has established a school for the instruction of the deaf, such children may be admitted to the deaf school at three years of age.

Beginning
classes.

In the enforcement of the provisions of this section children shall be admitted to the beginning classes of any school only during the first month of the school year, or when the school year is divided into school terms, during the first month of each

term, and children who will be six years of age before the end of the sixth month of the school year, or before the end of the third month of the school term, shall be admitted at the beginning of the school year, or the school term, and children who will not be six years of age by the end of the periods specified, shall not be admitted until the beginning of another school year or school term. Beginners shall in like manner be admitted to the beginning classes of the kindergarten during the first month of the school year, or of the school term, if the school year be divided into terms, if such children will be four years of age before the end of the sixth month of the school year or before the end of the third month of the school term, and children who will not be four years of age within the periods specified shall not be admitted to the kindergarten until the beginning of another school year or term. Powers
and duties.

Tenth—To enforce in schools the course of study and the use of text-books prescribed and adopted by the proper authority.

Eleventh—To appoint district librarians, and enforce the rules prescribed for the government of district libraries.

Twelfth—To exclude from school and school libraries all books, publications, or papers of a sectarian, partisan or denominational character.

Thirteenth—To furnish books for the children of parents unable to purchase them; the books so furnished to belong to the school district and to be kept in the district school library when not in use.

Fourteenth—To keep a register, open to the inspection of the public, of all children applying for admission and entitled to be admitted into the public schools, and to notify the parents or guardians of such children when vacancies occur, and receive such children into the schools in the order in which they are registered.

Fifteenth—To permit children from other districts to attend the schools of their district only upon the consent of the trustees of the district in which such children reside; *provided*, that, should the trustees of the district in which children whose parents or guardians desire them to attend in other districts reside, refuse to grant their consent, the parents or guardians of such children may appeal to the county superintendent and his decision shall be final.

Sixteenth—On or before the first day of April in each year to appoint a school census marshal, and notify the superintendent of schools thereof; *provided*, that in any city school district governed by a board of education, or city and county, the appointment of all school census marshals shall be subject to the approval of the city superintendent of schools.

Seventeenth—To make an annual report, on or before the first day of July, to the superintendent of schools, in the manner and form and on the blanks prescribed by the superintendent of public instruction.

Powers
and duties.

Eighteenth—To make a report, whenever required, directly to the superintendent of public instruction, of the text-books used in their schools.

Nineteenth—To visit every school in their district at least once in each term, and examine carefully into its management, condition and wants. This clause to apply to each and every member of the board of trustees.

Twentieth—Boards of trustees may, and upon a petition signed by a majority of the heads of families resident in the district as shown by the last preceding school census must, call meetings of the qualified electors of the district for determining or changing the location of the schoolhouse, or for consultation in regard to any litigation in which the district may be engaged, or be likely to become engaged, or in regard to any affairs of the district. Such meetings shall be called by posting three notices in public places, one of which shall be in a conspicuous place on the schoolhouse, for not less than ten days previous to the time for which the meeting shall be called, which notices shall specify the purposes for which said meeting shall be called; and no other business shall be transacted at such meetings. District meetings shall be organized by choosing a chairman from the electors present, and the district clerk shall be clerk of the meeting, and shall enter the minutes thereof on the records of the district. A meeting so called shall be competent to instruct the board of trustees:

1. In regard to the location or change of location of the schoolhouse, or the use of the same for other than school purposes; *provided*, that in no case shall the schoolhouse be used for purposes which necessitate the removal of any school desks or other school furniture.

2. In regard to the sale and purchase of school sites.

3. In regard to prosecuting, settling or compromising any litigation in which the district may be engaged, or be likely to become engaged, and may vote money, not exceeding one hundred dollars in any one year, for any of these purposes in addition to any amount which may be raised by the sale of district school property, and the insurance of property destroyed by fire; *provided*, that the proceeds of the insurance of the library and apparatus shall be paid into the library fund. All funds raised by the sale of school property may be disposed of by direction of a district meeting. District meetings may be adjourned from time to time, as found necessary, and all votes instructing the board of trustees shall be taken by ballot, or by ayes and noes vote, as the meeting may determine. The board of trustees shall, in all cases, be bound by the instructions of the district meeting in regard to the subjects mentioned in this section; *provided*, that the vote in favor of changing the location of the schoolhouse be two thirds of all the electors voting at said meeting upon the proposition to change the location.

Twenty-first—Without the vote of the district to prosecute or compromise any litigation, claims, demands and causes of action arising from the destruction, partial or total, of any

school building in the course of construction during the month of April, A. D. one thousand nine hundred and six, in which the district is or shall hereafter be engaged, and devote money for any of these purposes. Powers
and duties.

Twenty-second—Before making any contract for the expenditure of more than two hundred dollars to publish a notice calling for bids, stating the work to be done or materials or supplies to be furnished, and the time when and place where bids will be opened, at least once a week for two weeks in some daily or weekly newspaper published in the county, or if there is no such paper, then in some newspaper circulated in such county, and to let such contract to the lowest responsible bidder, who will give such security for its performance as the board may require, or to reject all bids; *provided*, that nothing in this section shall be construed to prevent the board from erecting or repairing school buildings or improving school property by day's labor, providing said work does not exceed two hundred dollars in cost, otherwise, all contracts for such work and materials to be made as herein provided.

Twenty-third—To give diligent care to the health and physical development of pupils, and where sufficient funds are provided by district taxation, to employ properly certificated persons for such work.

Twenty-fourth—To provide for the transportation of pupils wherever in their judgment such transportation of pupils is advisable, *provided* that such transportation of pupils shall not cost the district more than fifteen cents per pupil transported per day.

CHAPTER 688.

An act to amend section 791 of the Political Code, relating to the number of notaries public, approved March 18, 1905.

[Approved April 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 791 of the Political Code is hereby amended to read as follows:

791. The governor may appoint and commission such number of notaries public for the several counties and cities and counties of this state as he shall deem necessary for the public convenience, except that in cities and counties of the first class the number shall not exceed eighty-five. Notaries
public,
appoint-
ment of.

SEC. 2. This act shall take effect immediately.

CHAPTER 689.

An act to amend "An act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other acts and parts of acts now in force relating to estrays," approved March 23, 1901, by adding a new section thereto, to be known as section nine a, relating to appointment of poundkeepers outside of incorporated cities.

[Approved April 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Estrays.

SECTION 1. A new section is hereby added to "An act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other acts and parts of acts now in force relating to estrays," approved March 23, 1901, to be known as section nine a, to read as follows:

Township
pound-
keeper.

Section 9a. The board of supervisors of any county may, in their discretion, upon the petition of twenty-five or more electors of any township or portion of any township, not included within the boundaries of any incorporated municipality, appoint a poundkeeper for such township, or such portions thereof not included within the boundaries of any incorporated municipality. Where such poundkeeper has been appointed, it shall be the duty of any person finding at any time any estray, domestic animal or animals upon his premises, or upon the premises to which he has the right of possession, or upon highways adjacent thereto, to deliver same to the poundkeeper or notify said poundkeeper thereof, and it shall be the duty of the poundkeeper to take possession thereof, and said poundkeeper shall have a lien thereon for all expenses incurred in keeping and caring for said animal or animals as in this act provided, and the duties, compensation, restrictions and liabilities of said poundkeeper shall be the same as provided in sections 2, 3, 4, 6, 7 and 8 of this act for takers up of an estray animal or animals; *provided, however*, that said poundkeeper shall not be required to deliver the animal or animals to the constable for sale thereof, but shall himself be empowered with the same powers and duties, and shall be subject to the same restrictions and shall receive the same compensation as the constable in such cases, as are mentioned in section 5 of this act.

Duty of.

Powers.

SEC. 2. All other acts and parts of acts in conflict herewith are hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

CHAPTER 690.

An act making an appropriation to pay the claim of August Vollmer against the State of California.

[Approved April 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of two hundred and fifty and 70-100 dollars (\$250.70) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of August Vollmer against the State of California.

Appropriation.

Claim of August Vollmer.

SEC. 2. The controller is hereby directed to draw his warrant in favor of August Vollmer for the sum of two hundred and fifty and 70-100 dollars (\$250.70), and the treasurer is hereby directed to pay the same, and this appropriation and this warrant are hereby exempted from the provisions of section 672 of the Political Code.

SEC. 3. This act shall take effect immediately.

CHAPTER 691.

An act to amend section 8 of an act entitled "An act to provide for the organization and government of drainage districts for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such district," approved March 20, 1903.

[Approved April 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 8 of an act entitled "An act to provide for the organization and government of drainage districts for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such district," is hereby amended to read as follows:

Drainage districts.

Section 8. The said board of supervisors shall, on the first Monday succeeding such election if then in session, or at its next succeeding general or special session, proceed to canvass the votes cast thereat, and if upon such canvass it appears that a majority of all the votes cast are "Drainage District—Yes" the board shall by an order entered in its minutes, declare such

Declaration of organization.

territory duly organized as a drainage district, under the name theretofore designated, and shall declare the persons receiving, respectively the highest number of votes for directors to be duly elected to such offices.

CHAPTER 692.

An act to amend sections 22 and 57 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; and to add two new sections thereto.

[Approved April 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Irrigation
districts.

SECTION 1. Section twenty-two of the above entitled act of eighteen hundred and ninety-seven is hereby amended to read as follows:

Officers of
election
board.

Section 22. The inspector is chairman of the election board and may administer all oaths required in the process of an election; and appoint judges and clerks, if, during the progress of the election, any judge or clerk cease to act. Any member of the board of election, or any clerk thereof, may administer and certify oaths required to be administered during the progress of an election. The board of election of each precinct must, before opening the polls, appoint two persons to act as clerks of the election. Before opening the polls, each member of the board and each clerk must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath. The polls must be opened at eight A. M. on the morning of the election, and be kept open until four P. M., when the same must be closed.

SEC. 2. Two new sections are hereby added to the above entitled act, to be numbered sections 22a and 22b, and to read as follows:

Ballots.

Section 22a. The ballot used at the election shall be provided by the board of directors, and one of the clerks of election shall deliver, to each of the electors, one of the ballots so provided. The ballots shall have printed on them the names of all candidates whose names have been filed as provided in this act, with a voting square behind each name. The names shall be arranged in groups, alphabetically, under the designation of the office for which each person named is a candidate. Where more than one person is to be elected for an office of the same title, the words "Vote for _____ (inserting the proper number)" shall be printed under the title of the office.

Each elector shall stamp a cross, with a rubber stamp to be provided by the board of directors, in the square behind the name of each candidate he wishes to vote for. Voting.

Section 22b. Not less than ten days before the election, any ten or more electors in the district may file with the board of directors a petition, requesting that certain persons, specified in such petition, be placed on the ballot as candidates for the office named in the petition. The names proposed by the various petitions so filed, and no others, shall be printed on the ballots. But there shall be sufficient blank space left in which electors may write other names if they so desire. The petitions shall be preserved in the office of the secretary of the district. Nominat-
ing
petitions.

Sec. 3. Section fifty-seven of the above entitled act of eighteen hundred and ninety-seven is hereby amended to read as follows:

Section 57. The directors, when sitting as a board, or acting under the orders of the board, shall each receive not to exceed four dollars per day and ten cents per mile for each mile actually traveled from his place of residence to the office of the board, and actual and necessary expenses paid while engaged in official business under the order of the board. The board shall fix the compensation to be paid to all officers named in this act, to be paid out of the treasury of the district; *provided*, that said board shall, upon the petition of at least fifty, or a majority of the freeholders within such district, therefor, submit to the electors at any general election a schedule of salaries and fees to be paid hereunder. Such petition must be presented to the board not less than twenty days nor more than forty days prior to a general election, and the result of such election shall be determined and declared in all respects as other elections are determined and declared under this act. Compensa-
tion of
directors
and
officers.

CHAPTER 693.

An act to add a new section to the Penal Code of the State of California to be known and numbered section 402e.

[Approved April 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code to be numbered and to read as follows:

402e. Every person who conducts, within the limits of any city and county or city or town or village, a public laundry who shall receive any linen or clothing or bedding or other articles for the purpose of cleaning the same, from any hospital or pesthouse or sanitarium where contagious or infectious diseases are treated, or from any undertaking establishment or public morgue, or pesthouse is guilty of a misdemeanor. Laundry
from
hospitals.

CHAPTER 694.

An act to amend section nine hundred and seventy-eight of the Code of Civil Procedure of California, relating to undertakings on appeal from judgments of justices' or police courts.

[Approved April 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 978 of the Code of Civil Procedure of California, is hereby amended to read as follows:

Undertaking.

978. An appeal from a justices' or police court is not effectual for any purpose, unless an undertaking be filed with two or more sureties in the sum of one hundred dollars for the payment of the costs on the appeal; or, if a stay of proceedings be claimed, in a sum equal to twice the amount of the judgment, including costs, when the judgment is for the payment of money; or twice the value of property, including costs, when the judgment is for the recovery of specific personal property, and must be conditioned, when the action is for the recovery of money, that the appellant will pay the amount of the judgment appealed from, and all costs, if the appeal be withdrawn or dismissed, or the amount of any judgment and all costs that may be recovered against him in the action in the superior court. When the action is for the recovery of or to enforce or foreclose a lien on specific personal property, the undertaking must be conditioned that the appellant will pay the judgment and costs appealed from, and obey the order of the court made therein, if the appeal be withdrawn or dismissed, or any judgment and costs that may be recovered against him in said action in the superior court, and will obey any order made by the court therein. When the judgment appealed from directs the delivery of possession of real property, the execution of the same can not be stayed unless a written undertaking be executed on the part of the appellant, with two or more sureties, to the effect that during the possession of such property by the appellant, he will not commit, or suffer to be committed, any waste thereon, and that if the appeal be dismissed or withdrawn, or the judgment affirmed, or judgment be recovered against him in the action in the superior court, he will pay the value of the use and occupation of the property from the time of the appeal until the delivery of possession thereof; or that he will pay any judgment and costs that may be recovered against him in said action in the superior court, not exceeding a sum to be fixed by the justice of the court from which the appeal is taken, and which sum must be specified in the undertaking. A deposit of the amount of the judgment, including all costs appealed from or of the value of the property, including all costs in actions for the recovery of specific personal property, with the justice or

Condition of.

Deposit of amount of judgment.

judge, is equivalent to the filing of the undertaking, and in such cases, the justice or judge must transmit the money to the clerk of the superior court, to be by him paid out on the order of the court.

CHAPTER 695.

An act to add a new section to the Code of Civil Procedure of California to be known as section nine hundred and seventy-eight a, relating to the undertaking on appeal from judgments of justices' or police courts.

[Approved April 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure of California, to be known as section 978a, and to read as follows:

978a. The undertaking on appeal must be filed within five days after the filing of the notice of appeal and notice of the filing of the undertaking must be given to the respondent. The adverse party may except to the sufficiency of the sureties within five days after the filing of the undertaking, and unless they or other sureties justify before the justice or judge within five days thereafter, upon notice to the adverse party, to the amounts stated in their affidavits, the appeal must be regarded as if no such undertaking had been given.

Undertaking must be filed when.

CHAPTER 696.

An act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered 2472, relating to appointment of agent and service of summons.

[Approved April 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The Civil Code of the State of California is hereby amended by adding a new section thereto to be numbered 2472 to read as follows:

2472. Every co-partnership, other than those mentioned in section 2467 of this code, domiciled without this state, and having no regular place of business within this state, must, within forty days from the time it commences to do business therein, file in the office of the secretary of state a designation

Foreign co-partnership, designation of agent.

of some person residing within the state upon whom process issued by authority of or under any law of this state, may be served. A copy of such designation, duly certified by the secretary of state, is sufficient evidence of such appointment. Such process may be served on the person so designated, or, in the event that no such person is designated, then on the secretary of state, and the service is a valid service on such co-partnership.

CHAPTER 697.

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, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Public
parks.

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 or public playground purposes.

Declara-
tion of
intention.

SEC. 2. Before ordering the acquisition of any land or lands for any purpose authorized in section 1 of this act, the city council shall pass an ordinance declaring its intention so to do. Such ordinance shall state the purpose for which such land is to be acquired, and shall describe the land necessary or convenient to be taken therefor and shall describe the exterior boundaries of the district to be benefited by the acquisition of such land and to be assessed to pay the damages and costs of such acquisition, hereinafter designated an improvement, and to be known as the assessment district.

Posting of
notice of
intention.

SEC. 3. The street superintendent shall thereupon cause to be conspicuously posted along all streets or parts of streets within the assessment district described in said ordinance, at not more than three hundred feet in distance apart, notices (not less than three in all) of the passage of said ordinance. Said notice shall be headed, "Notice of Public Improvement" in letters not less than one inch in length, shall be in legible characters, and shall state the fact and date of the passage of said ordinance, and briefly describe the improvement proposed, and refer to said ordinance for further particulars. Said street superintendent shall also cause a notice similar in substance to be published for a period of five days in a daily newspaper published and circulated in said municipality, and designated by

Publica-
tion.

said city council for that purpose, or if there is no such daily newspaper, then by four successive insertions in a weekly newspaper so published, circulated and designated.

SEC. 4. Any person interested, objecting to said improvement, or to the extent of the assessment district described in said ordinance of intention, may file a written protest with the clerk of the city council, within thirty days after the first publication of the notice required by section 3 of this act. The clerk shall endorse on every such protest the date of its reception by him, and at the next regular meeting of the city council, after the expiration of the time for filing protests, shall present to said city council all protests so filed with him. If such protests are against said improvement, and said city council at said meeting or at any other time to which the hearing of said protests may be adjourned, finds that the same are signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district, all further proceedings under said ordinance of intention shall be barred, and no new ordinance of intention for the same improvement shall be passed within six months after the presentation of such protests to the city council, unless the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district shall, in the mean time, petition therefor. If such protests are against the improvement and the council finds that they are not signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within the assessment district, or if such protests are only against the extent of the assessment district, the council shall hear said protests at said meeting, or at any time to which the hearing thereof may be adjourned, and pass upon the same, and its decision shall be final and conclusive. If such protests are sustained, no further proceedings shall be had under said ordinance of intention, but a new ordinance of intention, for the same improvement may be passed at any time. If such protests are denied, the proceedings shall continue as if such protests had not been made. At the expiration of the time within which protests may be filed, if none are filed, or if protests are filed, and after hearing are denied, as above provided, then upon such denial, the city council shall be deemed to have acquired jurisdiction to order the improvement described in the ordinance of intention.

SEC. 5. Having acquired jurisdiction, the city council shall, by ordinance, order said improvement to be made, and direct an action to be brought by the city attorney in the proper superior court, in the name of the municipality, for the condemnation of the property necessary or convenient to be taken therefor. Such ordinance need not describe the property to be taken, nor the assessment district, but must refer to the ordinance of intention for all particulars.

SEC. 6. Said action must be brought within sixty days after the passage of the ordinance ordering the improvement, but the council may, by ordinance, extend the time for bring-

Protests.

Findings of council.

Hearing of protests.

Condemnation proceedings.

When action must be brought.

ing such action for an additional period not exceeding ninety days. Said action shall in all respects be subject to and governed by such provisions of the Code of Civil Procedure now existing, or that may be hereafter adopted as may be applicable thereto, except in the particulars otherwise provided for in this act.

Com-
plaint.

SEC. 7. The complaint shall set forth, or state the effect of, the ordinance of intention, and the ordinance ordering the improvement, but need not set up any other proceedings had before the bringing of the action. Said ordinances shall be conclusive evidence, in such action, of the public necessity of the proposed improvement.

Findings
of jury or
court.

SEC. 8. The jury, or the court sitting without a jury, as the case may be, shall find separately:

First. The value of each parcel of property sought to be condemned, and all improvements thereon pertaining to the realty, and of each separate estate or interest therein;

Second. If any parcel of land sought to be condemned is only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, and to each separate estate or interest therein, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff. Such damages must be fixed irrespective of any benefit from such improvement.

Judgment.

SEC. 9. Upon the receipt of the verdict of the jury, or the filing of the findings of the court, the court shall make and enter an interlocutory judgment in accordance with such verdict or findings, adjudging that upon payment to the respective parties, or into court for their benefit, of the several amounts found due them as compensation, and of the costs allowed to them, the property involved in the action shall be condemned to the use of the plaintiff for the use specified in the complaint.

Appeal.

SEC. 10. An appeal may be taken from such interlocutory judgment within thirty days from the entry thereof, or from any order granting or denying a new trial within ten days after the entry thereof.

Council
may
dismiss
action.

SEC. 11. The city council may, at any time prior to the confirmation of the assessment levied to pay the expenses of said improvement as hereinafter provided, abandon the proceedings by ordinance, and cause said action to be dismissed without prejudice.

Diagram of
improve-
ment.

SEC. 12. Upon the entry of the interlocutory judgment the city council shall order the city engineer, or if there be no city engineer any civil engineer whom it may employ for that purpose, to make and deliver to the street superintendent a diagram of the improvement and of the property within the assessment district described in the ordinance of intention. Said diagram shall show the land to be taken for the proposed improvement and also each separate lot, piece or parcel of land within the assessment district, and the dimensions of each such lot, piece or parcel of land, and the relative location of the same to the proposed improvement.

SEC. 13. The city engineer shall deliver said diagram to the street superintendent, and shall endorse thereon the date of such delivery. The street superintendent upon receiving the said diagram, shall proceed to assess the total expenses of the proposed improvement upon and against the lands, including the property of any railroad or street railroad within said assessment district, except the land to be taken for such improvement, in proportion to the benefits to be received from said improvement. The street superintendent shall complete said assessment within sixty days after the receipt by him of said diagram; *provided, however*, that the city council may, by resolution, extend the time for completing said assessment for a period not exceeding sixty days. The total expense of the improvement so to be assessed shall include the amounts awarded to the defendants by the interlocutory judgment in the action for condemnation, and all other costs of the plaintiff in such action, the expenses of making the assessment, and all expenses necessarily incurred by said municipality, in connection with the proposed improvement, for maps, diagrams, plans, surveys, searches and certificates of title to the property to be taken, and all other matters incident thereto.

Assessment of expenses.

SEC. 14. The street superintendent shall make said assessment in writing. Such assessment shall describe each lot, piece or parcel of land assessed for said improvement, and shall designate each such lot, piece or parcel of land with an appropriate number. The street superintendent shall also designate each such lot, piece or parcel of land on said diagram, with the number corresponding with the number thereof in said assessment, and said diagram shall thereupon be attached to and become and be deemed to be a part of said assessment. Such assessment shall show the total sum to be raised thereby, as hereinbefore provided, and also the items of such total sum, and opposite each lot, piece or parcel of land assessed, the amount assessed thereon, and the name of the owner thereof, if known to the street superintendent; or if the owner's name is unknown, the word "Unknown" shall be written instead of such name. Any error or mistake in the designation of the owner of any lot, piece or parcel of land, or in the particulars of his interest therein, shall not affect the validity of the assessment.

What assessment must show.

SEC. 15. As soon as said assessment is completed, the street superintendent shall file the same, with the diagram attached thereto and made a part thereof as aforesaid, with the clerk of the council, who shall give notice of such filing by publication for, at least, ten days in a daily newspaper published and circulated in the municipality, or if there be no such daily newspaper, by three successive insertions in a weekly newspaper so published and circulated. Said notice shall require all persons interested to file with said clerk their objections, if any they have, to the confirmation of said assessment, within thirty days after the date of the first publication of such notice, which date shall be stated in said notice.

Notice to file objections.

SEC. 16. All objections shall be in writing and shall be filed with said clerk within the time prescribed in the notice

Objections.

required by section 15 hereof. The clerk shall, at the next regular meeting of the city council after the expiration of the time for filing objections, lay said assessment and all objections so filed with him, before the council; and said council shall hear all such objections at said meeting, or at any other time to which the hearing thereof may be adjourned, and pass upon such assessment, and may confirm, modify, or correct said assessment, or may order a new assessment, upon which like proceedings shall be had, as in the case of an original assessment; or if there be no objections, the council shall, at any regular meeting after the expiration of the time for filing objections, confirm such assessment, and the action of the council upon such objection and assessment shall be final and conclusive in the premises.

Record of
assessment.

SEC. 17. The clerk of the council shall thereupon deliver to the street superintendent the assessment as confirmed by the city council, with his certificate of such confirmation, and of the date thereof. The street superintendent shall thereupon record such assessment and diagram in his office, in a suitable book to be kept for that purpose, and append thereto his certificate of the date of such recording, and such record shall be the assessment roll. From the date of such recording all persons shall be deemed to have notice of the contents of such assessment roll. Immediately upon such recording, the several assessments contained in such assessment roll shall become due and payable, and each of such assessments shall be a lien upon the property against which it is made.

Publication of
notice to
pay assessment.

SEC. 18. The street superintendent shall, upon the recording of said assessment, give notice, by publication for ten days in a daily newspaper, published and circulated in such municipality, or by three successive insertions in a weekly newspaper, so published and circulated, that said assessment has been recorded in his office, and that all sums assessed therein are due and payable immediately, and that the payment of the said sums is to be made to him within thirty days after the date of the first publication, which date shall be stated in the notice. Said notice shall also contain a statement that all assessments not paid before the expiration of said thirty days will become delinquent, and that thereupon five per cent of the amount of each such assessment will be added thereto. When payment of any assessment is made, the street superintendent shall mark opposite such assessment, the word, "paid," the date of payment, and the name of the person by or for whom the same is paid, and shall, if so requested, give receipt therefor. On the expiration of said period of thirty days, all assessments then unpaid shall become delinquent, and the street superintendent shall certify such fact at the foot of said assessment roll, and mark each such assessment "Delinquent," and add five per cent to the amount of each delinquent assessment.

Publication of
delinquent
assessments.

SEC. 19. The street superintendent shall, within ten days from the date of such delinquency, begin the publication of a list of the delinquent assessments, which list must contain a description of each parcel of property delinquent, and opposite

or against each description, the name of the owner as stated in the assessment roll, and the amount of the assessment, penalty, and costs due, including the cost of advertising, which last shall not exceed the sum of fifty cents for each lot, piece, or parcel of land, separately assessed. The street superintendent shall append to and publish with said delinquent list a notice that unless each delinquent assessment, together with the penalty and costs thereon, is paid, the property upon which such assessment is a lien, will be sold at public auction at a time and place to be specified in the notice. The publication must be made for a period of ten days, in some daily newspaper published and circulated in the municipality, or for three weeks in a weekly newspaper so published and circulated. The time of sale must not be less than five days, nor more than ten days, after the expiration of the period of publication of said list, and the place of sale must be in, or in front of, the office of the street superintendent.

SEC. 20. At any time after such delinquency, and prior to the sale of any piece of property assessed and delinquent, any person may pay the assessment on such piece of property, together with the penalty, and costs then due, including the cost of advertising. The street superintendent shall thereupon mark such assessment "Paid," as hereinbefore provided. Delinquent payments.

SEC. 21. On the day fixed for the sale, the street superintendent must, at the hour of ten o'clock A. M. commence the sale of the property advertised, commencing at the head of the list, and continuing in the numerical order of lots or parcels of land until all are sold; *provided*, that he may postpone or continue the sale from day to day until all the property is sold. Each lot, piece or parcel of land separately assessed must be offered for sale separately, and the person who will take the least quantity of land, and pay the amount of the assessment, penalty, and costs due, including fifty cents to the street superintendent for a certificate of sale, shall become the purchaser. In case there is no purchaser, for any lot, piece or parcel of land so offered for sale, the same shall be struck off to the municipality, as purchaser, and the city council shall appropriate out of the general fund of the treasury, the amount required for such purchase, and shall order the city treasurer to place the same in the special fund for such improvement. No charge shall be made for the certificate of sale when the municipality is the purchaser. Sale of property advertised.

SEC. 22. After making the sale, the street superintendent must execute, in duplicate, a certificate of sale setting forth a description of the property sold, the name of the owner thereof, as given on the assessment roll, that said property was sold for a delinquent assessment (specifying the improvement for which the same was made), the amount for which such property was sold, the date of sale, the name of the purchaser, and the time when the purchaser will be entitled to a deed. The street superintendent must file one copy of such certificate in his office, and deliver the other to the purchaser, or if the municipality is the purchaser, to the clerk of the council, who Certificate of sale.

shall file the same in his office. On the filing of the copy of such certificate in the office of the street superintendent, the lien of the assessment shall vest in the purchaser, and is only divested by a redemption of the property, as in this act provided. The street superintendent shall also enter on the assessment roll, opposite the description of each piece of property offered for sale, a description of the part thereof sold, the amount for which the same was sold, the date of the sale, and the name of the purchaser.

Redemption from sale.

SEC. 23. A redemption of any parcel of property sold for delinquent assessment may be made by any party in interest, at any time prior to the execution and delivery of a deed therefor, by paying to the street superintendent the amount for which the property was sold, and in addition thereto, ten per cent thereon if paid within three months from the date of sale; twenty per cent if paid within six months; thirty per cent if paid within nine months; forty per cent if paid within twelve months, or fifty per cent if paid at any time after twelve months. When redemption is made, the street superintendent shall note that fact on the duplicate certificate of sale on file in his office, and deposit the amount paid with the city treasurer, who shall credit the purchaser named in the certificate of sale with the said amount, and pay the same to such purchaser, or his assignee, upon the surrender of the certificate of sale, and upon satisfactory proof of assignment thereof, if any. When the municipality is the purchaser, the treasurer shall notify the clerk of the council of the redemption, and such clerk shall thereupon cancel the certificate of sale on file in his office.

Deed to purchaser.

SEC. 24. At any time after the expiration of twelve months from the date of sale, the street superintendent must execute to the purchaser, or his assignee on his application, if such purchaser or assignee has complied with the provisions of this section, a deed of the property sold, in which shall be recited substantially the matters contained in the certificate, also any assignment thereof, and the fact that no person has redeemed the property. The street superintendent shall receive from the applicant for a deed, one dollar for making such deed, unless the municipality is the purchaser, in which case no charge shall be made therefor. The purchaser or his assignee must, at least thirty days before he applies for a deed, serve upon the owner of the property, and upon the occupant of such property, if the same is occupied, a written notice, setting forth a description of the property that said property has been sold for a delinquent assessment (specifying the improvement for which the same was made), the amount for which it was sold, the amount necessary to redeem at the time of giving notice, and the time when such purchaser or assignee will apply to the street superintendent for a deed. If the said owner can not be found, after due diligence, said notice must be posted in a conspicuous place upon said property, at least thirty days before the time stated therein, at which the application for a deed will be made. The person applying for

Service of notice by purchaser.

a deed must file with the street superintendent an affidavit or affidavits showing that notice of such application has been given, as herein required, and if the notice was not served on the owner of the property personally, that due diligence was used to find said owner; which affidavit or affidavits must be filed by the street superintendent in his office. If redemption of the property is made after such affidavits are filed, and more than eleven months from the date of sale, the person making such redemption must pay, in addition to the other amounts required, three dollars for the service of notice and the making of such affidavits, which amount shall be paid over to the purchaser or his assignee in the same manner as other sums paid for redemption. No deed for any property sold for delinquent assessment shall be made until the purchaser or his assignee has complied with all the provisions of this section and file the proper affidavits with the street superintendent.

SEC. 25. The deed of the street superintendent shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the execution thereof, and of title in the grantee. Title, evidence of.

SEC. 26. The street superintendent shall, from time to time, pay over to the city treasurer all moneys collected by him on account of any assessments made under the provisions of this act. The city treasurer shall, on receipt thereof, place the same in a special fund, designating such fund by the name of the improvement for which the assessment was made. Disposition of funds.

SEC. 27. As soon as there is sufficient money in the hands of the city treasurer, in the special fund devoted to the proposed improvement, to pay the amounts awarded to the defendants by the interlocutory judgment in the action of condemnation, the said amounts shall be paid to the parties entitled thereto, or into court for their benefit. On satisfactory proof being made to the court of payment of the amounts awarded by the interlocutory judgment to the respective parties entitled thereto, or into court for their benefit, it shall direct the interlocutory judgment to be satisfied, and shall make and enter a final judgment, condemning the lands described in the complaint to the use of the plaintiff for the use specified in such complaint. Payment of awards.

SEC. 28. In case of a deficiency in the fund for such improvement, the city council, in its discretion, may provide for such deficiency by an appropriation out of the general fund of the treasury, or by ordering a supplementary assessment to be made by the street superintendent upon the property in said assessment district in the same manner and form, and subject to the same procedure as the original assessment, and in the last named case, in order to avoid delay, the city council may advance such deficiency out of the city treasury and reimburse the treasury from the collections under such supplementary assessment. In case of a surplus in the fund for such improvement, the city council may order such surplus refunded pro rata to the parties who paid the assessments. Supplementary assessment.

Meanings
of certain
words.

SEC. 29. The following words and phrases shall, where used in this act, have the following meanings:

(1) The term "improvement," includes all the improvements mentioned in section one of this act.

(2) The terms, "municipality" and "city," include all incorporated cities, cities and counties, and other corporations organized for municipal purposes.

(3) The terms "city council" and "council," include any body or board in which by law is vested the legislative power of any municipality.

(4) The terms, "clerks" and "city clerk," include any person or officer who acts as clerk of said city council.

(5) The terms, "treasurer" and "city treasurer," include any person or officer who has charge and makes payment of the city funds.

(6) The term "street superintendent," includes any person or officer whose duty it is by law to have the care or charge of streets or the improvement thereof in any city. In any municipality where there is no street superintendent, the council is hereby authorized to appoint a suitable person to discharge the duties of street superintendent, as provided in this act, and all the provisions hereof applicable to the street superintendent shall apply to the person so appointed, or in any municipality having a board of public works created by its charter, or by law, all the provisions hereof applicable to the street superintendent shall apply to such board.

Publica-
tion.

SEC. 30. In case there is no daily or weekly newspaper published and circulated in the city, then such notices and delinquent lists as are herein required to be published in a newspaper shall be posted in three of the most public places in such city, for the length of time required herein for the publication of the same in a weekly newspaper. No publication or notice other than that provided in this act shall be necessary to give validity to any proceedings had hereunder.

Proof of
publica-
tion.

SEC. 31. Proof of publication of any notice required by this act shall be made by affidavit, as provided in the Code of Civil Procedure, and proof of the posting of any such notice shall be made by the affidavit of the person posting the same, setting forth the facts regarding such posting. It shall be the duty of any officer who is required by this act to have any notice published or posted, to obtain and file in his office the affidavit or affidavits in proof thereof; *provided* that his failure so to do shall not affect the validity of any proceedings under this act. Any such affidavit so filed shall be prima facie evidence of the facts therein stated regarding such publication or posting.

Construc-
tion of
act.

SEC. 32. The provisions of this act shall be liberally construed to permit the objects thereof.

SEC. 33. This act shall take effect immediately.

CHAPTER 698.

An act to amend section 29 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 April 22, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section twenty-nine of an act, entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such district, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, is hereby amended to read as follows:

Section 29. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in such irrigation district, and shall be held by such district, in trust for, and is hereby dedicated and set apart to the uses and purposes set forth in this act. And said board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided. The board of directors may determine by resolution duly entered upon their minutes that any property, real or personal, held by such irrigation district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell such property; and a conveyance of any property held by an irrigation district, executed by the president and secretary thereof, in accordance with a resolution of the board of directors of such district, when sold for a valuable consideration, shall convey good title to the property so conveyed.

Irrigation districts.

Title to property acquired.

Sale of property.

CHAPTER 699.

An act to provide for an exposition building at Los Angeles in Agricultural Park for the use of all of the counties of this state, for the purpose of maintaining permanent exhibits therein of the resources of the different counties, and to make an appropriation for the construction of said exposition building.

[Approved April 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation for exposition building at Los Angeles.

When moneys available.

SECTION 1. The sum of two hundred and fifty thousand (\$250,000.00) dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of directors of the sixth district agricultural association for the erection of a building for said association on property owned by the State of California and known as Agricultural Park in the city of Los Angeles, said building to be used by all of the counties of the state in maintaining a permanent exhibit of their products and resources, for the purpose of encouraging their respective industries; *provided however*, that no charge shall be made by the said association for space occupied by said counties for exhibition purposes. Of the moneys hereby appropriated the sum of fifty thousand dollars shall be available on and after July 1st, 1909; the sum of fifty thousand dollars shall be available on and after January 1st, 1910; the sum of seventy-five thousand dollars shall be available on and after July 1st, 1910, and the sum of seventy-five thousand dollars shall be available on and after January 1st, 1911.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrant in favor of said board of directors for the amount herein made payable as provided in section 1 hereof, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall be exempt from the provisions of section six hundred seventy-two of the Political Code of California.

CHAPTER 700.

An act to amend section eight hundred and seventy of the Penal Code of California relating to the keeping and furnishing of depositions on examinations in criminal charges.

[Approved April 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section eight hundred and seventy of the Penal Code of California is hereby amended to read as follows:

870. The magistrate or his clerk must keep the depositions taken on the information or the examination, until they are returned to the proper court; and must not permit them to be examined or copied by any person except a judge of a court having jurisdiction of the offense, or authorized to issue writs of habeas corpus, the attorney general, district attorney, or other prosecuting attorney, and the defendant and his counsel; *provided however*, upon demand by defendant or his attorney the magistrate must order a transcript of the depositions taken on the information, or on the examination, to be immediately furnished said defendant or his attorney, after the commitment of said defendant as provided by section 876 and 877 of this code, and the reporter so furnishing said depositions, as aforesaid, shall receive compensation and be paid by the county for the same as provided by subdivision sixth of section 869 of this code.

Depositions to be kept.

Transcript for defendant.

CHAPTER 701.

An act making an appropriation for the maintenance of the James Marshall monument grounds.

[Approved April 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of five hundred dollars is hereby appropriated out of the state treasury for the maintenance of the grounds of the James Marshall monument.

Appropriation. Marshall monument.

CHAPTER 702.

An act to provide for certain necessary improvement to the grounds and appurtenances of the Veterans' Home of California located at Yountville, Napa county, and making an appropriation therefor.

[Approved April 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Appropriation.

Improvements to grounds.

SECTION 1. The sum of four thousand dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated for the purpose of making necessary improvements to the grounds and appurtenances of the Veterans' Home of California located at Yountville, Napa county; California.

SEC. 2. The controller is hereby authorized to draw his warrant in favor of the board of directors of the Veterans' Home of California for the money hereby appropriated.

SEC. 3. This act shall take effect from and after July 1st, 1909.

CHAPTER 703.

An act to prevent false and incorrect representations and advertisements concerning articles offered for sale and prescribing a punishment for the violation thereof.

[Approved April 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Misleading advertisements.

SECTION 1. Any firm, person, corporation or association of persons, or any employee of such or any of such, who in the newspapers or other periodicals of this state, or in public advertisements, or in communications intended for a large number of persons knowingly makes or disseminates any statements or assertions of facts with respect to his, its or their business affairs concerning the quantity, the quality, the value, the price, the method of production or manufacture, or the fixing of the price of his, its, or their merchandise or professional work; or the manner or source of purchase of such merchandise, or the possession of awards, prizes or distinctions; or the motive or purpose of a sale, intended to have the appearance of an advantageous offer, which is or are untrue or calculated to mislead, shall be guilty of a misdemeanor.

CHAPTER 704.

An act providing for topographic surveys and investigations of the water resources of the state and making an appropriation therefor.

[Approved April 22, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The department of engineering is hereby empowered to carry on topographic surveys and investigations into matters pertaining to the water resources of the state along the lines of hydrography, hydro-economics and the use and distribution of water for agricultural purposes, and to that end, where possible and to the best interest of the state, shall enter into contracts for coöperation with the different departments of the federal government in such amounts as may be an equitable and necessary division of the work. The state engineer, with the consent of the governor, may maintain and continue such investigations where there is available money not covered by coöperation contract. For the permanent maintenance of said surveys and investigations there is hereby continuously appropriated out of the general fund of the state treasury for each and every fiscal year, commencing with the date upon which this act becomes effective, the sum of thirty thousand dollars.

Topo-
graphic
surveys.

Continu-
ous appro-
priation.

SEC. 2. This act shall take effect immediately.

CHAPTER 705.

An act to amend sections 2 and 3 of an act entitled, "An act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other acts, or parts of acts now in force, relating to estrays, approved March 23, 1901."

[Approved April 22, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of the act entitled, "An act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other acts, or parts of acts now in force relating to estrays, approved March 23, 1901." is hereby amended to read as follows:

Estrays.

"Estray"
defined.

Section 2. The word "estrays" as used in this act is intended to include all domestic animals that have strayed upon, or been found upon, lands other than those of their owner, or the public domain, or lands whose owner (or to which the person in possession thereof) has consented, may be passed over, or allowed to be entered on, by such animal. Any person taking up an estray animal or animals shall confine the same in a secure place and within one week thereafter shall publish in some newspaper of general circulation, printed and published in the county in which such estray is found, and also file with the county recorder of said county a notice containing a description of the animal or animals taken up, with the marks and brands, if they have any, together with the probable value of each animal, and a statement of the place where the taker-up found, and where he has confined the same. The county recorder shall receive for filing said notice, the sum of fifty cents. The said notice shall be so published for two weeks. If there be no newspaper of general circulation printed and published in the county wherein such estray animal is found, then such publication shall be made in some newspaper of general circulation printed and published in an adjoining county within this state; *provided, however,* that the cost of publication does not exceed three dollars. If, however, the animal has the owner's brand or mark upon it, and such brand or mark has been recorded according to law, or if the finder knows the owner of said animal, or the person having charge thereof, then, within five days after said animal is taken up he shall notify the owner of said animal, or other person having charge thereof, which notice shall contain the same information as the notice to be published and recorded, as hereinabove provided. This notice shall be in lieu of publishing and recording such notice, and for which notice he shall be entitled to the sum of fifty cents.

Publica-
tion of
descrip-
tion of
animal.

Branded
animals.

SEC. 2. Section 3 of an act entitled, "An act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other acts or parts of acts, now in force relating to estrays, approved March 23, 1901." is hereby amended to read as follows:

Demand
by owner.

Section 3. At any time within thirty days from the date of the filing of the notice specified in section 2 of this act, any person claiming such estray animal or animals shall appear and demand from the taker-up the possession thereof, and shall at the same time pay to the taker-up all damages, expenses and costs incurred by reason of taking up said animal or animals, and upon receiving such damages, expenses and costs, the taker-up shall immediately deliver to the party claiming such animal or animals the possession thereof; such damages, expenses and costs shall be estimated as follows, to wit:

Damages
and costs.

1. The total amount paid by the taker-up to the county recorder, and the reasonable cost of publishing said notice.

2. The sum of thirty cents per day for the keeping and care of each horse, mule, jenny, ass, cow, bull, ox, steer or calf.

3. The sum of ten cents per day for the keeping and care of each sheep, goat, hog or other animal not hereinbefore specified, *provided* that the taker-up of said animal or animals must properly feed and water the same while under his care, and if he fails so to do shall forfeit all right of lien thereon.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER 706.

An act to add a new section to the Penal Code of California, to be numbered 536a, relating to the duties of commission merchants, brokers, factors, and consignees.

[Approved April 22, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code, to be numbered section 536a, and to read as follows:

536a. It is hereby made the duty of every commission merchant, broker, factor, or consignee, to whom any property is consigned or entrusted for sale, to make, when accounting therefor or subsequently, upon the written demand of his principal or consignor, a true written statement setting forth the name and address of the person or persons to whom a sale of the said property, or any portion thereof, was made, the quantity so sold to each purchaser, and the respective prices obtained therefor; *provided, however*, that unless separate written demand shall be made as to each consignment or shipment regarding which said statement is desired, prior to sale, it shall be sufficient to set forth in said statement only so many of said matters above enumerated as said commission merchant, broker, factor, or consignee may be able to obtain from the books of account kept by him; and that said statement shall not be required in case of cash sales where the amount of the transaction is less than fifty dollars. Any person violating the provisions of this section is guilty of a misdemeanor.

Statement
of sales.

CHAPTER 707.

An act authorizing district agricultural associations organized under the laws of the State of California, to lease lands owned, managed or controlled, in trust or otherwise, to municipal corporations, counties or cities and counties, in which such lands are situated, and repealing all acts and parts of acts in conflict herewith.

[Approved April 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

May lease
lands not
needed.

SECTION 1. Any district agricultural association organized, or hereafter organized under the laws of the State of California, is hereby authorized and empowered to lease lands owned, managed or controlled by said association, whether in trust or otherwise, not needed for the permanent use of said association, to any municipal corporation, county, or city and county, in which said lands are located, for a period not to exceed fifty years, for purposes not inconsistent with the objects and purposes for which said association is formed and for which said lands are held, owned, or controlled by it.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect immediately.

CHAPTER 708.

An act to amend section 270 of the Code of Civil Procedure of the State of California, and to add a new section to the Code of Civil Procedure of the State of California, to be known as section 274b, relating to phonographic reporter, his competency and compensation.

[Approved April 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 270 of the Code of Civil Procedure is hereby amended to read as follows:

Court
reporter,
qualifica-
tions of.

270. No person shall be appointed to the position of official reporter of any court in this state, except upon satisfactory evidence of good moral character, and without being first examined as to his competency by at least three members of the bar practicing in said court, such members to be designated by the judge or judges of said court. The committee of members of

the bar so designated shall, upon the request of the judge or judges of said court, examine any person as to his qualifications whom said judge or judges may wish to appoint as official reporter; and no person shall be appointed to such position upon whose qualifications such committee shall not have reported favorably. The test of competency before such committee shall be as follows: the party examined must write in the presence of said committee at the rate of at least one hundred and fifty words per minute, for five consecutive minutes, upon matter not previously written by or known to him, immediately read the same back to the committee, and transcribe the same into longhand writing, plainly and with accuracy. If he pass such test satisfactorily, the committee shall furnish him with a written certificate of that fact, signed by at least a majority of the members of the committee, which certificate shall be filed among the records of the court. No official reporter of any court or official reporter pro tempore shall be competent to act as official reporter in any court of the state who shall have failed and neglected to transcribe any notes in a criminal proceeding or action on appeal and which notes are required by law to be by him transcribed until he shall have fully completed and filed all transcription of his notes in any criminal case on appeal required by law to be by him transcribed.

Court
reporter.
qualifica-
tions of.

SEC. 2. A new section to be known as and numbered section 274b is hereby added to the Code of Civil Procedure to read as follows:

274b. The phonographic reporter shall receive for making an original and three carbon copies of the portion of his notes ordered transcribed, or transcribed in any criminal case after sentence, the sum of thirty cents per folio; *provided, however, that he shall receive no compensation for transcribing any notes unless the same shall have been transcribed by him within the time provided by law.*

Fees of
reporter.

CHAPTER 709.

An act to repeal sections 1170, 1171, 1172, 1173, 1174, 1175 and 1177 of the Penal Code of the State of California, relating to bills of exceptions on appeal.

[Approved April 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Sections 1170, 1171, 1172, 1173, 1174, 1175 and 1177 of the Penal Code are hereby repealed.

Sections
repealed.

SEC. 2. This act shall take effect immediately.

CHAPTER 710.

An act to add new sections to the Penal Code of the State of California, to be known as numbers 1247, 1247a, 1247b, 1247c, 1247d, 1247e, relating to a method for the preparation of records to be used on appeal from judgments, orders or proceedings of the superior court to the supreme court or the district courts of appeal, in criminal cases.

[Approved April 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section to be numbered and known as section 1247 is hereby added to the Penal Code to read as follows:

Appeals.

Reporter's notes to be transcribed.

1247. Upon any appeal being taken from any judgment or order of the superior court to the supreme court, or a district court of appeal, in any criminal proceedings, where such appeal is allowed by law, the defendant or the district attorney when the people appeal, may within two days file with the clerk and present an application to the trial court, stating in general terms the ground of the appeal, and the points upon which the appellant relies, and designate what portion of the phonographic reporter's notes it will be necessary to have transcribed to fairly present the points relied upon, and ask the court to make an order for the transcription thereof. The court shall, within one day after the filing of such application, make an order directing the phonographic reporter who reported the case, to transcribe such portion of his notes as in the opinion of the court may be necessary to fairly and fully present the points relied upon by the appellant. Where one of the grounds stated in the application is the insufficiency of the evidence to sustain the conviction, the court shall direct all the evidence to be transcribed, unless it is stipulated that some portion of the evidence shall be omitted. If the court fails to make the order within one day after the application is presented, an order shall be deemed to be given and made for the portion of the notes requested in the application. The phonographic reporter shall, within twenty days after the making of such application, file with the clerk of the court an original transcription of the portion of his notes ordered transcribed, excluding therefrom all argument of counsel not objected to at the time the same was made, typewritten, and three carbon copies thereof. The original and each copy shall be duly certified by him under oath to be correct.

Time in which to file notes by reporter.

SEC. 2. A new section to be numbered and known as section 1247a is hereby added to the Penal Code to read as follows:

1247a. Upon the transcribed notes being filed by the reporter with the clerk, it shall be the duty of the clerk forthwith to immediately deliver upon demand one of the carbon copies to the defendant or his attorney, the other carbon copy upon demand to the district attorney, and deliver the original, with the date of the several deliveries of the original and the copies, if delivery has been made, endorsed upon the original, to the court for its approval. Unless objection is made thereto by either the defendant or his attorney or the district attorney, within ten days after receipt thereof, the judge shall certify thereon that no objection has been made thereto within the time allowed by law; and after so certifying shall immediately re-deliver the same to the clerk. The defendant or his attorney or the district attorney may file with the clerk a proposed correction of the transcribed proceedings within ten days after the filing of the transcribed proceedings. The court must immediately hear and determine the objection; if in the opinion of the court the transcription of the proceedings is not correct, the court must correct the same. When so corrected he must certify thereon that all objections made thereto have been heard and determined, and the same corrected in accordance with such determination; and thereupon immediately re-deliver the same to the clerk. When the original transcription of the proceedings so certified by the judge has been received by the clerk from the judge, he must immediately transmit the same to the court to which the appeal was taken, and thereupon it shall become a part of the record upon appeal and he must immediately transmit to the attorney general a carbon copy thereof with any and all corrections made to the original notes thereon.

Duty of clerk to deliver copies to parties.

Proposed corrections.

SEC. 3. A new section to be numbered and known as section 1247b is hereby added to the Penal Code to read as follows:

1247b. If a transcription of the phonographic reporter's notes can not be obtained, by reason of his illness or death, the appellant shall cause to be prepared and filed, in the place thereof, a transcription of such of the proceedings as was by the court ordered to be transcribed by the phonographic reporter. Such transcription must be filed within the time and in the manner provided for the filing of the phonographic reporter's transcribed notes. Upon such filing by the appellant, the same proceedings shall be had and taken as is provided in section 1247a of this code, upon the filing the phonographic reporter's transcribed notes.

When appellant shall transcribe.

SEC. 4. A new section to be numbered and known as section 1247c is hereby added to the Penal Code to read as follows:

1247c. Upon suggestion to the appellate court wherein an appeal in a criminal case is pending, that a further transcription of the proceedings is necessary, if in the opinion of the court it is necessary to have a further transcription of the proceedings in the trial court, it may order the same to be transcribed by the phonographic reporter within a time fixed in the order; *provided* that no further transcription shall be

Further transcription.

ordered upon the suggestion of the appellant unless the application therefor was included in the original application made to the trial court. There shall thereupon be transcribed the portion so ordered, and copies filed with the clerk of the superior court in the same manner and with like force and effect as though included in the original order of the court; and like proceedings shall be had and taken as provided by law, as in case of the original.

SEC. 5. A new section to be numbered and known as section 1247*d* is hereby added to the Penal Code to read as follows:

Time
can not be
extended
by trial
court.

1247*d*. The time within which the phonographic reporter shall transcribe and file his notes or the appellant shall file a transcription of the proceedings as provided in section 1247*b* of this code can not be extended by the judge of the court or by the court in which the case was tried. Upon affidavit showing good cause therefor, the court in which the appeal is pending may extend the time not exceeding sixty days.

SEC. 6. A new section to be numbered and known as section 1247*e* is hereby added to the Penal Code to read as follows:

Printing
in
criminal
cases.

1247*e*. No printing of any record on appeal or briefs in a criminal case shall be required or ordered.

CHAPTER 711.

An act to amend sections 1239, 1240, 1241 and 1246 of the Penal Code of the State of California, relating to appeals, when and how taken, and the duty of the clerk upon appeal.

[Approved April 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1239 of the Penal Code of the State of California is hereby amended to read as follows:

Appeal,
how taken
by
defendant.

1239. An appeal from a judgment may be taken by the defendant by announcing personally or through his attorney in open court at the time the judgment is rendered that he appeals from the same; and from any order made after judgment, by announcing in open court at the time the same is made that he appeals from the same.

SEC. 2. Section 1240 of the Penal Code of the State of California is hereby amended to read as follows:

Appeal by
the people.

1240. An appeal may be taken by the people by announcing in open court at the time the order is made that the people appeal from the same.

SEC. 3. Section 1241 of the Penal Code of the State of California is hereby amended to read as follows:

Clerk must
enter
notice of
appeal.

1241. Any announcement of appeal made in open court by either the defendant or the people, must be by the clerk imme-

diately entered in the minutes of the court. But the failure of the clerk to so enter the same in the minutes shall in no way affect or invalidate the appeal.

SEC. 4. Section 1246 of the Penal Code of the State of California is hereby amended to read as follows:

1246. Upon the appeal being taken, the clerk of the court from which the appeal is taken must, without charge, within twenty days thereafter transmit to the clerk of the appellate court a typewritten copy of the following papers:

Papers to be transmitted to appellate court.

1. The indictment, information or accusation;
2. A copy of the minutes of the plea;
3. A copy of the minutes of the demurrer;
4. A copy of the demurrer;
5. A copy of the minutes of the trial;
6. A copy of other minutes of the action, including the proceedings on motion for arrest of judgment or new trial;
7. A copy of the written charges given by the court to the jury, or refused, or modified and given; also a transcript of any oral charge;
8. A copy of the judgment;
9. Any written or printed exhibits offered in evidence at the trial of the cause.

The clerk of the court from which the appeal is taken must also, within the time above specified, deliver, without charge, to the defendant or his attorney, upon application therefor, a carbon copy of the original transmitted to the clerk of the appellate court; and must also deliver, without charge, a carbon copy to the district attorney upon his application therefor.

Copy to defendant and district attorney.

CHAPTER 712.

An act to amend sections 1185 and 1186 of the Penal Code of the State of California, relating to motion in arrest of judgment.

[Approved April 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1185 of the Penal Code of the State of California is hereby amended to read as follows:

1185. A motion in arrest of judgment is an application on the part of the defendant that no judgment be rendered on a plea or verdict of guilty, or on a verdict against the defendant, on a plea of a former conviction. It may be founded on any of the defects in the indictment or information mentioned in section ten hundred and four, unless the objection has been waived by a failure to demur, and must be made and determined before the judgment is pronounced. When determined, the order must be immediately entered by the clerk in the minutes.

Motion in arrest of judgment.

SEC. 2. Section 1186 of the Penal Code of the State of California is hereby amended to read as follows:

Court may
arrest
judgment
on own
motion.

1186. The court may, on its own motion, at any time before judgment is pronounced, arrest the judgment for any of the defects mentioned in the last section, by order for that purpose entered upon its minutes.

CHAPTER 713.

An act to amend section 1259 of the Penal Code of the State of California, relating to what may be reviewed upon appeal taken by the defendant.

[Approved April 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1259 of the Penal Code is hereby amended to read as follows:

Appellate
court may
review
what.

1259. Upon an appeal taken by the defendant in open court, the appellate court may, without exception having been taken in the trial court, review any question of law involved in any ruling, order, instruction, or thing whatsoever said or done at the trial or prior to or after judgment, which thing was said or done after objection made in and considered by the lower court, and which affected the substantial rights of the defendant. The appellate court may also review any instruction given, refused or modified, even though no objection was made thereto in the lower court, if the substantial rights of the defendant were affected thereby.

CHAPTER 714.

An act to amend section two of "An act to prohibit adulteration and deception in the sale of dairy products, defining adulteration in dairy products, to establish standards of quality in dairy products, and to provide for enforcing its provisions," approved March 15th, 1907.

[Approved April 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Adultera-
tion of
dairy
products.

SECTION 1. Section 2 of an act entitled "An act to prohibit adulteration and deception in the sale of dairy products, defining adulteration in dairy products, to establish standards of quality in dairy products and to provide for enforcing its provisions" is hereby amended to read as follows:

Section 2. Milk and the products of milk enumerated in this section shall be deemed adulterated within the meaning of this act if it or they shall not conform with the following definitions and standards:

1. Milk is the fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen (15) days before and five (5) days after calving, and contains not less than three (3.0) per cent of milk fat, and not less than eight and five tenths (8.5) per cent of solids—not fat, and from which no cream or fat or other solid component has been removed.

2. Skim milk is milk from which a part or all of the cream has been removed and contains not less than nine and twenty-five hundredths (9.25) per cent of milk solids.

3. Condensed milk or evaporated milk is whole milk from which a considerable portion of water has been evaporated and contains not less than twenty-four and five-tenths (24.5) per cent of milk solids, including not less than seven and seven-tenths (7.7) per cent milk fat.

4. Sweetened condensed milk is whole milk from which a considerable portion of water has been evaporated and to which sugar (sucrose) has been added, and contains not less than twenty-four and five-tenths (24.5) per cent of milk solids, including not less than seven and seven-tenths (7.7) per cent milk fat.

5. Condensed skim milk is skim milk from which a considerable portion of water has been evaporated.

6. Cream is that portion of milk, rich in milk fat, which rises to the surface of milk on standing, or is separated from it by centrifugal force, is fresh and clean, and contains not less than eighteen (18) per cent of milk fat.

7. Evaporated cream, clotted cream, is cream from which a considerable portion of water has been evaporated.

8. Milk fat, butter fat, is the fat of milk and has a Reichert-Meissel number not less than .905 (40 degrees C.).

9. Butter is the clean, non-rancid product made by gathering in any manner the fat or fresh or ripened milk or cream into a mass, which also contains a small portion of the other milk constituents, with or without salt, and contains not less than 80 per cent of milk fat.

SEC. 2. All acts, or parts of acts, inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force immediately after its passage.

CHAPTER 715.

An act to amend section six hundred and two of the Code of Civil Procedure, relating to jury trial.

[Approved April 23, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section six hundred and two of the Code of Civil Procedure, is hereby amended to read as follows:

Chal-
lenges for
cause,
grounds of.

602. Challenges for cause may be taken on one or more of the following grounds:

1. A want of any of the qualifications prescribed by this code to render a person competent as a juror.

2. Consanguinity or affinity within the fourth degree to any party, or to an officer of a corporation, which is a party.

3. Standing in the relation of guardian and ward, master and servant, employer and clerk, or principal and agent, or debtor and creditor, to either party, or to an officer of a corporation which is a party, or being a member of the family of either party, or a partner in business with either party, or surety on any bond or obligation for either party, or being the holder of bonds or shares of the capital stock of a corporation which is a party.

4. Having served as a juror in a civil action or been a witness on a previous trial between the same parties, for the same cause of action, or having served as a juror within one year previously in any civil action or proceedings in which either party was plaintiff or defendant.

5. Interest on the part of the juror in the event of the action, or in the main question involving the action, except his interest as a member or citizen of a municipal corporation.

6. Having an unqualified opinion or belief as to the merits of the action founded upon knowledge of its material facts or of some of them.

7. The existence of a state of mind in the juror evincing enmity against or bias to either party.

8. That he is a party to an action pending in the court for which he is drawn and which action is set for trial before the panel of which he is a member.

CHAPTER 716.

An act validating the title to lands selected by the state in lieu of surveyed school sections situated within the exterior boundaries of national reservations created by proclamation of the President of the United States and vesting the title of the state to such surveyed school sections in the United States.

[Approved April 24, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The selection of all lands heretofore made by the surveyor general from the government of the United States in lieu of surveyed school sections situated within the exterior boundaries of national reservations created by proclamation of the president of the United States and which have been listed to the State of California and also all such selections which are now pending before the land department of the United States, when listed to the state, are hereby declared to be good and valid and to vest the title of the United States and the state when said state shall have issued its patent therefor, to such lands in the applicant, his successors or assigns, for whom such selection was made, and the title of the State of California in and to such surveyed school sections so used as bases for such indemnity selections shall vest in the United States at the date of such listing to the state and the title of the said state shall be deemed to be released and quitclaimed to the said United States at the time of such listing to the state as aforesaid.

Title to certain
lieu lands
validated.

SEC. 2. This act shall take effect from and after its passage.

CHAPTER 717.

An act to amend section 3498 of the Political Code of the State of California, relating to approvals of applications for state lands.

[Approved April 24, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3498 of the Political Code of California, is hereby amended so as to read as follows:

3498. All applications, under whatsoever act, filed in the office of the surveyor general, must be retained ninety days before approval, and must be approved (when there is no conflict) by the surveyor general, at the expiration of six months, if the proof required by the surveyor general, as to the character of the land or as to the applicant being an actual settler

Applica-
tions for
state
lands.

thereon is on file with the application, but if not, the application shall become null and void and shall be cancelled, subject, however, to the provisions of article I of chapter I of title VIII of part III of this code. All unapproved applications, which have been on file over six months, wherein the approval has not been demanded and said proof furnished as above provided, and wherein the contest has not been referred to court or a demand made for an order of reference, as provided in Section 3414 of the Political Code, shall be null and void; *provided, however*, that where applications are filed subject to the rights of a previous applicant, such subsequent applications shall not be approved until the rights of the first applicant shall have expired. No application shall be approved which describes land located in more than one county.

Unap-
proved ap-
plications.

CHAPTER 718.

An act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the state not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor.

[Approved April 26, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Investiga-
tion of tree
diseases.

SECTION 1. The regents and the president of the University of California are hereby directed to maintain in connection with the agricultural experiment work of the university in those portions of the state not benefited by the Southern California Pathological Laboratory, a scientific station or laboratory with the necessary equipment for the investigation of the nature and means of control of injurious and destructive diseases of cultivated trees, plants and crops.

Informa-
tion to
growers.

SEC. 2. They are directed to make or cause to be made investigations of such troubles as pear blight, peach blight, olive knot, apricot failures, pear scab, apple diseases, root rot, root knot, diseases of tomatoes, potatoes, asparagus, onions and other vegetables, and such other plant diseases as may be called to their attention. They shall also furnish information and practical demonstrations to the growers of these crops as to the best means of control for such diseases.

Appropriation.

SEC. 3. The sum of fifteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended by the regents of the University of California in carrying out the purposes of this act and the state controller is hereby authorized and directed to draw his warrant for the same, payable to the regents of the University of California, and the treasurer of the state is hereby directed to pay such warrant.

CHAPTER 719.

An act to add a new section to the Civil Code of the State of California, to be known as section number 69a, relating to the certificate of registry of marriage.

[Approved April 26, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Civil Code of the State of California to be known as section 69a to read as follows:

69a. All persons about to be joined in marriage must obtain from the county clerk of the county in which the marriage is to be celebrated, in addition to the license therefor provided for in section sixty-nine of the Civil Code, a certificate of registry as provided in section three thousand and seventy-six of the Political Code which shall contain among other matters as near as can be ascertained, the race, color, age, name and surname, birthplace, residence of the parties to be married, number of marriage and condition of each, whether single, widowed, or divorced, the occupation of the parties, maiden name of the female, if previously married, the names and birthplaces of the parents of each, and the maiden name of the mother of each, which said certificate of registry shall be filled out as herein provided in the presence of the county clerk issuing the marriage license and shall then be presented to the person performing the ceremony and shall be filed by him with the county recorder within three days after the ceremony.

Certificate
of registry.

CHAPTER 720.

An act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the state prisons.

[Approved April 26, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever in the opinion of the medical superintendent of any state hospital, or the superintendent of the California Home for the Care and Training of Feeble-Minded Children, or of the resident physician in any state prison, it would be beneficial and conducive to the benefit of the physical, mental or moral condition of any inmate of said state hospital, home, or state prison, to be asexualized, then such superin-

Asexualization
of
inmates of
state institutions.

State
prisoners.

tendent or resident physician shall call in consultation the general superintendent of state hospitals and the secretary of the state board of health, and they shall jointly examine into all the particulars of the case with the said superintendent or resident physician, and if in their opinion, or in the opinion of any two of them, asexualization will be beneficial to such inmate, patient or convict, they may perform the same; *provided*, that in the case of an inmate or convict confined in any of the state prisons of this state, such operation shall not be performed unless the said inmate or convict has been committed to a state prison in this or in some other state or country at least two times for some sexual offense, or at least three times for any other crime, and shall have given evidence while an inmate in a state prison in this state that he is a moral and sexual pervert; *and provided further*, that in the case of convicts sentenced to state prison for life who exhibit continued evidence of moral and sexual depravity, the right to asexualize them, as provided in this act, shall apply, whether they have been inmates of a state prison either in this or any other state or country more than one time.

CHAPTER 721.

An act to amend section six hundred and five of the Civil Code of the State of California, relating to the consolidation of corporations organized for purposes other than profit.

[Approved April 26, 1900.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section six hundred and five of the Civil Code of the State of California is hereby amended to read as follows:

How con-
solidation
may be
effected.

605. Any corporation now or hereafter organized for purposes other than profit, may consolidate with any other like association or associations, or corporation or corporations, created either under the laws of the State of California, or under the laws of any other state or territory, so as to form a new or consolidated corporation, in such manner as may be authorized by the respective boards of directors or trustees of such associations or corporations by resolution adopted at meetings of the respective boards called for that purpose. The resolution to be adopted by each of the respective boards shall state the names of all the corporations or associations to be united by the consolidation, the name of the state or territory under the laws of which they are created or organized, and the dates of their respective incorporation, the name by which the new or consolidated corporation is to be called or known, the purposes for which it is to be formed, the place where its prin-

cipal business is to be transacted, the term for which it is to exist, the number of its directors or trustees, and the names and residences of those who are appointed to act as such for the first year, and shall designate three or more persons by whom articles of incorporation of the new or consolidated corporation shall be subscribed and filed in compliance with this section. Articles of incorporation of the new or consolidated corporation shall be subscribed and acknowledged by the persons so designated as last aforesaid in the manner required by section two hundred and ninety-two of this code. Said articles shall contain and set forth all the matters required by section two hundred and ninety of this code, and in addition thereto there shall be attached to said articles copies of the aforesaid resolution of the several associations or corporations uniting in the consolidation, certified by the respective secretaries of such associations or corporations under the corporate seals thereof; and the said articles of incorporation shall in the body thereof refer to the said resolutions and to the certified copies thereof so attached, and by such reference make the said certified copies a part of the said articles. The said articles of incorporation shall be filed in the office of the county clerk of the county where the principal business of the new or consolidated corporation is to be transacted, and a certified copy thereof in the office of the secretary of state, in the manner required by this code for the filing of original articles of incorporation; and thereupon the secretary of state shall issue to the corporation, over the great seal of the state, a certificate in manner and form as provided by section two hundred and ninety-six of this code. From and after the filing of such certified copy of the articles of incorporation with the secretary of state the former associations or corporations uniting in the consolidation and comprising the component parts of the new or consolidated corporation shall cease to exist, and the new or consolidated corporation shall succeed to all the rights, duties and powers of the component associations or corporations, and shall be possessed of all the rights, duties and powers set forth in its articles of incorporation not inconsistent with this title, and shall be subject to all the liabilities and obligations of the former component associations or corporations, and shall succeed to and become vested with all the property thereof, both real and personal, of every name and nature, and may make by-laws and do all things permitted by this title.

Articles of
incorpora-
tion of
new cor-
poration.

Filing of
articles.

CHAPTER 722.

An act to authorize municipal corporations to issue bonds, for the purpose of investing the proceeds arising from the sale thereof, in other bonds issued for public improvements.

[Approved April 26, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Bonds to provide funds for improvement.

SECTION 1. Any municipal corporation in the State of California may incur a bonded indebtedness to provide a fund to be called a "general improvement fund," and said fund may be invested or re-invested in any bonds issued by such municipality, or bonds issued for street work or other public improvements, under any act of the legislature providing for the performance of street work or other public improvements.

How issued.

SEC. 2. The bonds authorized to be issued under the provisions of this act shall be called "investment bonds," and shall be issued in the manner provided for in an act entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction and completion thereof," in effect February 25, 1901, and amendments thereto; *provided*, that the ordinance calling for the election therein provided for, need not contain any statement as to the estimated cost of the proposed public improvement. Such bonds when issued, shall be redeemed and paid as provided in the above herein mentioned act.

Investment of bonds.

SEC. 3. It shall be the duty of the legislative branch of every town, city or municipal corporation availing itself of this act, to keep the funds arising from the sale of bonds issued under this act, separate and distinct from all other municipal funds, and to invest and re-invest the same in the serial improvement bonds issued for street sewer, drainage or other improvements within said municipality, and to collect the interest on said bonds and credit the same to said fund, and said municipality shall have the right to sell, at the discretion of its legislative branch, any of said serial bonds by it purchased, *provided* that they shall not sell said bonds at a price less than the price paid therefor, and said purchase price of said bonds so sold, together with the accrued interest thereon, shall be credited to the said "general improvement fund," and may be again re-invested in serial bonds, as aforesaid, the intention being that said general improvement fund shall constitute a revolving fund, for the purpose of enabling the property owners to pay their serial bonds in annual installments to the city, and thus enable the municipality to let contracts for the completion of said improvement, on a cash basis.

Re-investment.

SEC. 4. The provisions of this act shall not repeal nor modify the provisions of any other act.

SEC. 5. This act shall take effect and be in full force and effect from and after its passage.

CHAPTER 723.

An act to amend section 399 of the Code of Civil Procedure of the State of California, relative to the payment of costs in transferring actions or proceedings.

[Approved April 20, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 399 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

399. When an order is made transferring an action or proceeding for trial, the clerk of the court or justice of the peace, must transmit the pleadings and papers therein to the clerk or justice of the court to which it is transferred. The costs and fees thereof, and of filing the papers anew, must be paid by the party at whose instance the order was made when the action or proceeding was originally commenced in the proper county. In all other cases such costs and fees shall be paid by the plaintiff. The court to which an action or proceeding is transferred has and exercises over the same the like jurisdiction as if it had been originally commenced therein.

Costs and fees of filing papers on transfer of action.

CHAPTER 724.

An act to provide for the incorporation, organization and management of municipal water districts.

[Approved April 20, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A municipal water district may be organized, and incorporated and managed as herein provided and may exercise the powers herein expressly granted or necessarily implied.

Municipal water district.

SEC. 2. When any municipality in the State of California desires to organize such a municipal water district, as herein provided for, the legislative body of any municipal corporation, at any regular meeting of such body, may pass an ordinance reciting:

Ordinance, what must recite.

1. The name of the city adopting the ordinance;
2. That the public interest requires the incorporation of a municipal water district;
3. The names of the municipalities which it is desired to include within the district;

4. The name of the district which shall include the words "municipal water district."

Copy to
other
municipalities.

SEC. 3. Within ten days after such ordinance becomes a law the clerk of the said legislative body adopting the same shall transmit by registered mail a certified copy thereof to the legislative body, or bodies, of the other municipalities named therein, addressed to the clerk thereof.

Approval
by other
municipalities.

SEC. 4. Within forty days after the receipt of such certified copy of such ordinance by any municipality named therein the legislative body thereof shall by ordinance either approve or disapprove the said ordinance without alteration or amendment; a failure on the part of any municipality to act as herein provided shall be deemed a refusal to approve of such ordinance.

Copy to
initiating
municipality.

SEC. 5. After the passage of said ordinance required to be passed by section 4 hereof the clerk of the municipality acting thereon shall forthwith forward a certified copy of such ordinance to the municipality initiating the proceedings.

Fixing
time for
election.

SEC. 6. Within thirty days after the receipt of all the ordinances passed by the municipalities named in the initiatory ordinance, if it shall appear that said initiatory ordinance has been approved by all of the municipalities named therein, the legislative body of the municipality initiating the proceeding shall fix a day for holding a special election in each of the municipalities that have approved of said ordinance, at which shall be submitted to the electors thereof the proposition of organizing such municipal water district, and shall also provide for holding a similar election within its own municipality; in case the initiatory ordinance has not been approved by all of the municipalities named therein no further proceedings shall be had, but new proceedings may be taken as provided in section 2.

Conduct of
election.

SEC. 7. The date fixed for such special election shall be certified to all of the municipalities which may have adopted the ordinance herein provided for and the legislative body, or bodies, of such municipalities which shall have approved said ordinance shall call and provide for the holding of a special election in their respective municipalities on the day so fixed, and such election shall be held and conducted in manner and form as required by law for the holding of special elections within such municipalities, and the cost in each municipality of holding such election shall be paid by the municipality within which it is held. The ballots used at such election shall contain the words: "Proposition to organize a municipal water district (stating the name)." and the words "Yes" and "No," so placed that a voter may indicate his wish in this connection as either in favor of or against said proposition; such

Ballots.

ballots shall be counted and returns thereof made by the boards selected to conduct such election in time, form and manner as required by law for the holding of special elections within municipalities and shall be canvassed and the result thereof declared and determined by the board or officers charged with such duties within the municipality holding the election.

Returns.

SEC. 8. Within ten days after the canvass of the votes cast at such election, the board or officers canvassing the same shall certify the result thereof to the legislative body of the municipality initiating the proceedings. Certificate of result.

SEC. 9. Within thirty days after the receipt of the certificates showing the result of the election held in the several municipalities, if it appears therefrom that the proposition submitted has been approved by a majority of the votes cast on said proposition in each municipality wherein such election is held, the legislative body of the municipality receiving such certificates shall certify to the secretary of state the passage of the ordinance provided for in section 2, its subsequent approval by the several municipalities approving the same in manner aforesaid and the result of the elections held as herein provided. Certificate to secretary of state.

SEC. 10. Upon the receipt of the certificate mentioned in the foregoing section, the secretary of state shall, within ten days, issue his certificate reciting that the municipal water district (naming it) has been duly incorporated according to the laws of the State of California and that such district is composed of the municipalities of (naming all the municipalities which have approved at the election such organization). A copy of such certificate shall be transmitted to each of the municipalities comprising such district. From and after the date of such certificate 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. Certificate by secretary of state.

SEC. 11. No informality in any proceeding or informality in the conduct of any election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the incorporation of any municipal water district, and any proceeding wherein the validity of such incorporation is denied shall be commenced within three months from the date of the certificate of incorporation, otherwise said incorporation and the legal existence of said municipal water district and all proceedings in respect thereto shall be held to be valid and in every respect legal and incontestable. Informality of proceedings.

SEC. 12. Any municipal water district incorporated as herein provided shall have power: Power of water district.

1. To have perpetual succession;
2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;
3. To adopt a seal and alter it at pleasure;
4. To take by grant, purchase, gift, devise or lease, hold, use, 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, 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 the benefit of the district;

Power of
water
district

6. To sell water under the control of the district to the municipalities comprising the same without preference to such municipalities; and it may, whenever there is a surplus above that which may be required by such municipalities, sell, or otherwise dispose of such surplus outside of the district to persons, firms, public or private corporations;

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 water works or system, or any portion thereof owned by any person or 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;

10. To make contracts, to employ labor and do all acts necessary for the full exercise of the foregoing powers.

SEC. 13. The powers herein enumerated shall, except as herein otherwise provided, be exercised by a board to be known as the board of directors of the named municipal water district. Such board shall be composed as follows:

1. The mayor, or president of the board of trustees of each municipality comprising the district shall be, ex officio, a member of said board.

2. Each municipality having five thousand legal and registered voters shall choose by and from the members of its legislative body one additional director and each municipality for each and every ten thousand legal and registered voters over five thousand shall choose by and from the members of its legislative body one additional director, all of whom shall serve during the pleasure of the body making the appointment; *provided*, that if such members do not desire to serve as such directors, said legislative body may choose any other person who is an elector and resident of such municipality. The number of legal and registered voters in each municipality on the first day of November, 1908, and every four years thereafter shall be taken as the basis for determining the representation of such municipality in the board of directors.

Meeting of
board of
directors.

SEC. 14. The legislative body of the municipality initiating the proceedings for incorporating the district shall fix a time and place for the first meeting of the board of directors, which shall be within thirty days from the date if the incorporation of the district.

Commis-
sioners.

SEC. 15. At such meeting of the directors or at such time to which the proceedings may be continued, the board of directors shall choose three commissioners who shall constitute the

commissioners of the named water district, but no director shall be eligible to appointment to such commission. The said commissioners shall have the power to make and enter into all contracts, appoint a secretary, who may be a member of the commission, and such other assistants and employees as may be necessary for the exercise of the powers of the district, to fix their compensation, prescribe their duties and remove any appointee at pleasure, and to generally manage its affairs, subject to such restrictions as the board of directors may impose. The commissioners shall receive such compensation as the board of directors shall determine and shall serve during its pleasure.

SEC. 16. The board of directors shall elect one of its number president, adopt rules of procedure and fix a time and place for holding regular meetings. The secretary of the commission shall act as secretary of the board of directors. The directors shall receive for each day's attendance at the meetings of the board their necessary expenses of attending the meeting and shall receive no other compensation.

Director-
organiza-
tion and
per diem.

SEC. 17. The commissioners shall elect one of its members president, who shall sign all contracts on behalf of the district and perform such other duties as may be imposed by the commissioners or the board of directors. They shall appoint an auditor, who shall not be a member of the board of directors, and who shall be charged with the duty of installing and maintaining a system of auditing and accounting that shall completely and at all times show the financial condition of the district. He shall draw warrants to pay demands made against the district when such demands have been first approved by at least two of the commissioners. The commissioners shall also designate a depository or depositories to have the custody of the funds of the district, all of which depositories 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.

Commis-
sioner-
organiza-
tion.

Funds of
district.

SEC. 18. 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 purpose for which the proposed debt is to be incurred and the amount thereof, and shall direct the commissioners to take, or cause to be taken, such proceedings as may be necessary to incur such debt and in the manner herein provided.

Bonded
indebted-
ness.

SEC. 19. The commissioners shall adopt a resolution reciting the adoption of the resolution mentioned in the foregoing section, state the proposition to be submitted to the electors, the amount of debt proposed to be incurred, the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed forty years, and the maximum rate of interest to be paid, which shall not exceed five per cent per annum.

Duty of
commiss-
sioners.

They shall fix a date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be

Fix date of
election.

incurred, and shall transmit a certified copy of the resolution fixing such date to the officers or board having charge of the conduct of elections of each municipality comprising the district. It shall be the duty of such board or officers in each municipality to provide for holding such special election on the day so fixed and in the manner and form as special elections are held and conducted within the municipality.

Notice of election.

Such board or officers shall give notice of the holding of such election, which notice shall contain the resolution adopted by the commissioners of the water district, the location of polling places and the names of the officers selected to conduct the election, which shall consist of one judge, one inspector and two clerks. Such notice shall be published for two weeks in a newspaper published in each municipality, which paper shall be designated by the commissioners of the water district, or if there is no newspaper printed in any municipality, then by posting such notice in three public places therein. All the expenses of holding such election shall be borne by the district and shall be paid or credited to each city upon the filing of a verified claim therefor with the secretary of the commission. The returns of such election shall be made, the votes canvassed and the results thereof ascertained and declared as in case of other special elections within such municipalities. The board, or officers, declaring the results of such election shall certify such result to the commissioners of the water district. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted. In all respects not otherwise provided for herein said election shall be called, managed and directed as is by law provided for special elections in the municipality in which such election is to be held.

Form of bonds.

SEC. 20. 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 commissioners may, by resolution, at such time or times as they may deem proper, provide for the form of such bonds and for the issuance of any part thereof, as may sell or dispose of the bonds so issued at such times or in such manner as they may deem to be to the public interest.

Status of bonds.

SEC. 21. Any bonds issued by any district are hereby given the same force, value and use as bonds issued by any municipality and shall be exempt from all taxation within the State of California.

Power to construct works.

SEC. 22. The commissioners 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 works are constructed in such manner as to afford security for life and property, and said commissioners 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 commissioners

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.

SEC. 23. The commissioners shall have no supervision or control of any of the distributing systems of the several municipalities, but the distribution of water in said municipalities, the fixing of rates and collecting of charges therefor shall be under the exclusive supervision and control of each such municipality, and the control of the district shall end with the delivery of water to the several municipalities at the point of delivery by said district; *provided* that until a municipality shall acquire a distributing system the district may own and lease the same to the municipality upon such terms as may be mutually agreed upon.

Control of
distributing
systems.

SEC. 24. Immediately after the organization of the board an estimate may be prepared of the probable amount of water that will be used by the several municipalities comprising said district which estimate shall be based upon the population of said municipalities, and thereafter the board may, in lieu of the other methods of procuring funds herein provided, notify the several municipalities of the estimated probable cost of the organization and conduct of such district, exclusive of the purchase of lands and the construction of works, canals and reservoirs, and the proportionate amount payable from each of such cities, whereupon each of such municipalities shall be required to contribute to said district its proportionate amount of the cost of organization of said district, *provided* that the sums so paid by each of such municipalities shall be credited to the municipality making the payment and the same deducted from the charge for water first delivered to said municipality as herein provided.

Estimate
of cost of
organization.

SEC. 25. The commissioners, in the furnishing of water to any municipality, 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.

Water
rates.

SEC. 26. If, from any cause, the revenues of the district shall be inadequate to pay the principal or interest on any bonded debt as it becomes due, then the board of directors may cause a tax to be levied for that purpose as herein provided.

Tax to
cover
bonded
debt.

SEC. 27. That board of directors shall require a report from the several municipalities forming the district, showing the amount of the assessment roll of each such municipality for the current fiscal year. The board of directors shall determine the amount necessary to be raised by taxation, and shall appor-

Tax rate to
be levied.

Tax rate to
be levied.

tion such amount among the several municipalities constituting the district according to the ratio which the value of all property assessed in each municipality bears to the total value of all property assessed in all such municipalities and shall fix a rate of tax to be levied which will raise the amount of money required by the district. The commissioners shall thereupon, and within a reasonable time previous to the time when such municipality is required by law governing such municipality to fix its tax rate, certify to the taxing body of each municipality the rate so fixed with a direction that at the time and in the manner required by law for the levying of taxes for municipal purposes, such municipality shall levy and collect a tax, in addition to such other tax as may be levied by such municipality, at the rate so fixed and determined, and it is made the duty of the officer or body having authority to levy taxes within such municipalities to levy the tax so required. And it shall be the duty of all municipal officers charged with the duty of collecting taxes, to collect such tax in time, form and manner as municipal 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 municipalities 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 municipal taxes.

Exclusion
of municipi-
pality.

SEC. 28. Any municipality which may have become a part of said water district, as hereinbefore provided, may be excluded therefrom upon request of a majority of the electors of said municipality expressed in a special election called for that purpose by the legislative body of said municipality in accordance with the provisions herein, so far as the same are applicable for the holding of special elections; *provided*, that if any objection is made to said exclusion by an ordinance of the legislative body of any of the other municipalities comprising said district, which said ordinance if it is passed must be passed within ten days after receiving from the legislative body of the municipality proposing to withdraw from the water district a certified copy of resolution or ordinance of intention to withdraw, then the commissioners of said district shall call a special election, as hereinbefore provided, for the purpose of submitting to the electors of the various municipalities the question whether said municipality may be excluded from said district. The commissioners shall ascertain the result of said election as certified by the proper officer or body of each of the municipalities comprising said district and voting thereat, and if a majority of all votes cast in the district shall be in favor of the exclusion of said municipality they shall certify the same and enter the result upon the minutes of the commissioners and from and after the date of such entry such municipality shall be excluded from the district, but such exclusion shall not operate to release it from any liability for the payment of any bonded debt incurred while it was a part of such district.

SEC. 29. Whenever a petition is presented to the commissioners from any municipality asking that said municipality be made a part of said district and become subject to the privileges and provisions of this act, said commissioners may, in their discretion, pass a resolution authorizing the inclusion of said municipality, notice of which shall be mailed to the proper officer of each of the municipalities included in the district and if no objection is made thereto by the legislative body of any municipality then comprising said district within thirty days after the receipt of such notice then the legislative body of said municipality so petitioning to be included in said district shall call a special election as provided herein for the purpose of submitting to the electors of said municipality the question whether or not said municipality shall join and become a part of said district. If a majority of the votes cast at the election shall be in favor of the municipality joining and becoming a part of said district the same shall be certified to the commissioners of the district, who in turn shall certify the same to the secretary of state and thereafter said municipality shall be a part of said district and entitled to all the privileges and subject to all the obligations of this act.

Inclusion
of muni-
cipality.

SEC. 30. Nothing in this act shall be 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 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, and the word "commissioners" shall apply to the commissioners of such water district, and the commissioners shall be regarded as a board of commissioners.

Meaning
of certain
words.

SEC. 31. This act shall take effect from and after its passage and approval.

CHAPTER 725.

An act making appropriations for the support of the government of the State of California for the sixty-first and sixty-second fiscal years.

[Approved April 26, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The following sums of money are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the support of the government of the State of California for the sixty-first and sixty-second fiscal years:

Appropriations for support of state government.

FOR LEGISLATIVE DEPARTMENT.

Legisla-
tive de-
partment.

For salaries and mileage of senators, forty-two thousand two hundred dollars.

For salaries and mileage of assemblymen, eighty-three thousand five hundred dollars.

For pay of officers and clerks of the senate, thirty thousand dollars.

For pay of officers and clerks of the assembly, thirty thousand dollars.

For contingent expenses of the senate, five thousand dollars.

For contingent expenses of the assembly, seven thousand dollars.

FOR JUDICIAL DEPARTMENT.

Judicial
depart-
ment.

For salaries of justices of supreme court, one hundred and twelve thousand dollars.

For salaries of justices of district courts of appeal, one hundred and twenty-six thousand dollars.

For state's portion of salaries of judges of superior courts, four hundred and forty-five thousand dollars.

For salary of clerk of supreme court, six thousand dollars.

For salary of chief deputy clerk of supreme court, four thousand eight hundred dollars.

For salaries of six deputy clerks of supreme court, twenty-one thousand six hundred dollars.

For salary of stenographer to clerk of supreme court, two thousand dollars.

For salary of reporter of decisions of supreme court, and district courts of appeal, five thousand dollars.

For salary of one assistant reporter of decisions of supreme court and district courts of appeal, four thousand eight hundred dollars.

For salaries of three clerks of district courts of appeal, fourteen thousand four hundred dollars.

For salaries of three deputy clerks of district courts of appeal, ten thousand eight hundred dollars.

For salaries of two secretaries of supreme court, nine thousand six hundred dollars.

For salary of librarian, supreme court library, three thousand dollars.

For salaries of two bailiffs of supreme court, six thousand dollars.

For salaries of three bailiffs of district courts of appeal, nine thousand dollars.

For pay of porter for office of clerk of supreme court at Sacramento, fourteen hundred and forty dollars.

For pay of three porters to district courts of appeal, five thousand four hundred dollars.

For postage and contingent expenses of clerk of supreme court, four thousand dollars.

For rent of court room, Los Angeles justices of court of appeal, eight thousand dollars.

For postage and contingent expenses of clerks of district courts of appeal, one third to each, three thousand dollars. Judicial
depart-
ment.

For postage and contingent expenses of supreme court, two hundred and fifty dollars.

For postage and contingent expenses of district courts of appeal, one third to each, seven hundred and fifty dollars.

For expenses of supreme court, under section forty-seven, Code of Civil Procedure, fifty thousand eight hundred dollars.

For salary of two phonographic reporters of supreme court, ten thousand eight hundred dollars.

For salaries of three phonographic reporters of district courts of appeal, fourteen thousand four hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to clerk of supreme court, two thousand five hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to clerks of district courts of appeal (one third to each), three thousand dollars.

FOR EXECUTIVE DEPARTMENT.

For salary of governor, twenty thousand dollars.

For salary of private secretary to governor, ten thousand dollars. Executive
depart-
ment.

For salary of executive secretary to governor, seven thousand two hundred dollars.

For salary of stenographer to governor, four thousand dollars.

For pay of messenger to governor, three thousand dollars.

For special contingent expenses (secret service), governor's office, exempt from provisions of sections 433 and 672 of Political Code, ten thousand dollars.

For postage, expressage, telegraphing, traveling and contingent expenses, governor's office, six thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the executive department, fifteen hundred dollars.

For support and maintenance of the governor's residence, and care and improvement of residential grounds, seventeen thousand five hundred dollars.

For salary of watchman, governor's mansion, two thousand four hundred dollars.

For payment of rewards offered by the governor, fifteen hundred dollars.

For payment of rewards offered by the governor, illegal voting, five hundred dollars.

For payment of rewards for arrest and conviction of highway robbers, two thousand dollars.

For arresting criminals without the state (exempt from the provisions of section 4 of this act), twenty thousand dollars.

FOR LIEUTENANT-GOVERNOR.

For salary of lieutenant-governor, eight thousand dollars.

Lieuten-
ant-
governor.

FOR STATE BOARD OF EXAMINERS.

State
board of
exam-
iners.

For salary of secretary to board of examiners, seven thousand two hundred dollars.

For salary of assistant secretary to board of examiners, six thousand dollars.

For salaries of four clerks, state board of examiners, thirteen thousand six hundred dollars.

For salary of expert to board of examiners, five thousand four hundred dollars.

For pay of porter, board of examiners, nine hundred and sixty dollars.

For postage, expressage, telegraphing, and contingent expenses, state board of examiners, one thousand dollars.

For traveling expenses of state board of examiners, fifteen hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to various officers, boards, and commissions to be expended under the direction of the state board of examiners, four thousand five hundred dollars.

For official advertising, two thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the state board of examiners, six hundred dollars.

For purchase from the federal government of copies of topographical sheets gotten out under state and government cooperation, to be sold at cost by the state, two thousand dollars.

FOR SECRETARY OF STATE'S OFFICE.

Secretary
of state.

For salary of secretary of state, ten thousand dollars.

For salary of deputy secretary of state, six thousand dollars.

For salary of bookkeeper, secretary of state's office, four thousand eight hundred dollars.

For salary of corporation secretary, secretary of state's office, five thousand six hundred dollars.

For salary of statistician of secretary of state's office, four thousand eight hundred dollars.

For salary of keeper of archives, secretary of state's office, four thousand dollars.

For salary of one recording clerk, secretary of state's office, three thousand six hundred dollars.

For salaries of five recording clerks, secretary of state's office, sixteen thousand dollars.

For salary of one register clerk, secretary of state's office, three thousand six hundred dollars.

For salaries of two certificate clerks, secretary of state's office, six thousand four hundred dollars.

For salary of janitor, state capitol, four thousand eight hundred dollars.

For salary of clerk to janitor, secretary of state's office, Secretary of state. three thousand two hundred dollars.

For salary of messenger, secretary of state's office, eighteen hundred dollars.

For salary of engineer, three thousand six hundred dollars

For salary of engineer during sessions of the legislature, six hundred dollars.

For salary of firemen, two thousand five hundred and twenty dollars.

For salary of firemen during sessions of the legislature, four hundred and twenty dollars.

For salary of electrician, three thousand six hundred dollars.

For salary of porter, secretary of state's office, fourteen hundred and forty dollars.

For salary of electrician during sessions of the legislature, six hundred dollars.

For salary of head porter, two thousand four hundred dollars.

For salaries of five porters for capitol, ten thousand eight hundred dollars.

For salaries of two elevator attendants, capitol building, four thousand three hundred and twenty dollars.

For salaries of two elevator attendants during sessions of the legislature, seven hundred and twenty dollars.

For salary of chief watchman, two thousand six hundred and forty dollars.

For salaries of two watchmen, capitol building, five thousand two hundred and eighty dollars.

For salaries of two telephone exchange operators, two thousand eight hundred and eighty dollars.

For salaries of two extra telephone exchange operators, seven hundred and twenty dollars.

For salaries of two special clerks January 1 to May 1, legislative year, one thousand dollars.

For salary of porter, secretary of state's office, seven hundred Vetoed. and twenty dollars.

For postage, expressage, and telegraphing (exempt from section 4 of this act), seven thousand dollars.

For contingent and traveling expenses, secretary of state's office, five hundred dollars.

For purchase of ballot paper, eleven thousand five hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the secretary of state (exempt from section 4 of this act), twelve thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the secretary of state, to be used for the purpose of printing and distributing constitutional amendments, four thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the

Secretary
of state.

secretary of state to be used for the compiling and publication of blue book (exempt from section 4 of this act), twelve thousand dollars.

For salary of superintendent and cashier, motor vehicle department, four thousand eight hundred dollars.

For salary of one clerk, motor vehicle department, three thousand two hundred dollars.

For printing, binding, etc., motor vehicle department, three thousand nine hundred dollars.

For badges, seals, etc., motor vehicle department, three thousand dollars.

For postage and expressage, motor vehicle department, fourteen hundred dollars.

For stationery and incidental expenses, motor vehicle department, five hundred dollars.

For salary of superintendent and cashier, corporation license department, four thousand eight hundred dollars.

For salaries of two clerks, corporation license department, seven thousand two hundred dollars.

For salaries of four clerks, corporation license department, twelve thousand eight hundred dollars.

For pay of porter, corporation license department, seven hundred and twenty dollars.

For pay of messenger, corporation license department, twelve hundred dollars.

For advertising delinquent corporation list, corporation license department, two thousand dollars.

For printing, binding, etc., corporation license department, four thousand three hundred dollars.

For stationery and incidental expenses, corporation license department, seven hundred and fifty dollars.

For postage and contingent expenses, corporation license department, two thousand six hundred dollars.

For purchase of carpets and furniture (exempt from section 4 of this act), five thousand dollars.

For water, state capitol building, twelve hundred dollars.

For repairs to capitol building, and furniture (exempt from section 4 of this act), five thousand dollars.

For stationery, fuel, lights, supplies, etc., legislature and state officers, twenty-five thousand dollars.

FOR STATE CAPITOL GROUNDS.

Capitol
grounds.

For pay of gardener and laborers of state capitol grounds, thirty-two thousand one hundred and sixty dollars.

For salaries of three policemen, capitol grounds, seven thousand nine hundred and twenty dollars.

For water for state capitol grounds, two thousand four hundred dollars.

For lighting the capitol grounds, two thousand two hundred and eighty dollars.

For purchase of implements and hose, care and improvement of grounds (exempt from section 4 of this act), twelve thousand dollars.

FOR CONTROLLER'S OFFICE.

For salary of controller, ten thousand dollars.

Controller.

For salary of deputy controller, six thousand dollars.

For salary of bookkeeper, state controller's office, four thousand eight hundred dollars.

For salary of expert, state controller's office, four thousand dollars.

For salary of one clerk, state controller's office, three thousand six hundred dollars.

For salaries of two clerks, state controller's office, six thousand four hundred dollars.

For salary of statistician, state controller's office, four thousand dollars.

For salary of warrant registrar, state controller's office, four thousand dollars.

For salary of inheritance tax deputy, state controller's office, four thousand eight hundred dollars.

For salary of stenographer, state controller's office, two thousand four hundred dollars.

For pay of porter, state controller's office, fourteen hundred and forty dollars.

For postage, expressage, and telegraphing, state controller's office, two thousand dollars.

For contingent and traveling expenses, state controller's office, two thousand dollars.

For pure wine labels, two hundred and fifty dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the controller, five thousand dollars.

FOR TREASURER'S OFFICE.

For salary of state treasurer, ten thousand dollars.

Treasurer.

For salary of deputy state treasurer, five thousand four hundred dollars.

For salary of bookkeeper, state treasurer's office, four thousand eight hundred dollars.

For salary of assistant bookkeeper, state treasurer's office, four thousand dollars.

For salary of stenographer, state treasurer's office, two thousand four hundred dollars.

For salaries of four watchmen, state treasurer's office, ten thousand five hundred and sixty dollars.

For pay of porter, state treasurer's office, fourteen hundred and forty dollars.

For postage, expressage, telegraphing, contingent and traveling expenses, state treasurer's office, twelve hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the treasurer, fourteen hundred dollars.

FOR ATTORNEY-GENERAL'S OFFICE.

Attorney-
general.

For salary of attorney-general, twelve thousand dollars.

For salary of assistant attorney-general, seven thousand two hundred dollars.

For salary of chief deputy to attorney-general, six thousand six hundred dollars.

For salaries of two deputies, attorney-general, twelve thousand dollars.

For salary of one deputy, attorney-general, five thousand four hundred dollars.

For salaries of two clerks, attorney-general's office, six thousand four hundred dollars.

For salary of phonographic reporter, attorney-general's office, three thousand six hundred dollars.

For salaries of two stenographers, attorney-general's office, four thousand eight hundred dollars.

For pay of porter, attorney-general's office at Sacramento, nine hundred and sixty dollars.

For postage, expressage, telegraphing, and contingent expenses, attorney-general's office, three thousand four hundred dollars.

For traveling expenses, attorney-general's office, one thousand dollars.

For costs and expenses of suits, wherein the state is a party in interest, four thousand dollars.

For office rent of attorney-general in San Francisco, four thousand eight hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the attorney-general, six thousand dollars.

For purchase of law books, one thousand dollars.

FOR SURVEYOR-GENERAL'S OFFICE.

Surveyor-
general.

For salary of surveyor-general, ten thousand dollars.

For salary of deputy surveyor-general, six thousand dollars.

For salary of assistant surveyor-general, four thousand dollars.

For salaries of four clerks, surveyor-general's office and register state land office, twelve thousand eight hundred dollars.

For pay of porter, surveyor-general's office, nine hundred and sixty dollars.

For postage, expressage and telegraphing, surveyor-general's office, twelve hundred dollars.

For contingent and traveling expenses, surveyor-general's office, seven hundred and fifty dollars.

For purchase of, and copying maps and records, surveyor-general's office, four thousand eight hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the surveyor-general, one thousand five hundred dollars.

For traveling expenses of surveyor-general and attorney-

general when engaged in contests between the state and the United States, and other state business in relation to land, one thousand dollars.

FOR OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

For salary of superintendent of public instruction, ten thousand dollars. Superintendent of public instruction.

For salary of deputy superintendent of public instruction, four thousand eight hundred dollars.

For salary of statistician, office of superintendent of public instruction, four thousand eight hundred dollars.

For salary of clerk and stenographer, office of superintendent of public instruction, three thousand two hundred dollars.

For salary of text-book clerk, three thousand two hundred dollars.

For clerical assistance in office of superintendent of public instruction, in distributing state school books, four hundred dollars.

For pay for porter, office of superintendent of public instruction, fourteen hundred and forty dollars.

For postage, expressage, and telegraphing, office of superintendent of public instruction, two thousand six hundred dollars.

For contingent and traveling expenses (including traveling expenses under section 1532, Political Code), three thousand six hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the superintendent of public instruction, fourteen thousand dollars.

For text-books for orphans (under chapter 472, statutes 1907), twelve thousand dollars.

FOR MILITARY PURPOSES.

For salary of the adjutant-general, seven thousand two hundred dollars. Adjutant-general.

For salary of colonel, adjutant-general's department (assistant adjutant-general), six thousand dollars.

For salary of chief clerk, three thousand eight hundred dollars.

For salary of three clerks, ten thousand two hundred dollars.

For salary of clerk and stenographer, three thousand dollars.

For salary of military storekeeper, two thousand four hundred dollars.

For salary of assistant military storekeeper, eighteen hundred dollars.

For postage, expressage and telegraphing, adjutant-general's office, sixteen hundred dollars.

For care of state armory, cleaning and transportation of arms, traveling and contingent expenses of the adjutant-general's office, five thousand dollars.

National
guard.

For target practice and purchase of medals, national guard, twenty thousand dollars.

For allowance for brigade headquarters, national guard, seven thousand dollars.

For allowance for regimental headquarters, including allowance for bands, national guards, sixteen thousand five hundred and sixty dollars.

For armory rents and other expenses of the national guard, two hundred and twenty-five thousand dollars.

For traveling expenses and per diem of officers on detail duty, national guard, ten thousand dollars.

For hospital supplies, national guard, one thousand dollars.

For furnishing coal and other supplies, and for repairs to training ships, naval militia, five thousand dollars.

For purchase of uniforms and equipments national guard, ten thousand dollars exempt from section four of this act.

For expenses of court-martial and contingent expenses thereof, two thousand five hundred dollars.

For encampments, national guard (exempt from section 4 of this act), thirty thousand dollars.

For allowance to surgeon-general, six hundred dollars.

For allowance for officers, under the provisions of section 2078, Political Code, twelve thousand dollars.

For printing, binding, ruling, and other work performed and materials furnished by the state printing office to the adjutant-general's office, six thousand dollars.

FOR STATE LIBRARY.

State
library.

For salary of state librarian, seven thousand two hundred dollars.

For salary of two deputy state librarians, seven thousand two hundred dollars.

FOR STATE PRINTING OFFICE.

Superin-
tendent of
state
printing.

For salary of superintendent of state printing, ten thousand dollars.

For salary of deputy superintendent of state printing, four thousand eight hundred dollars.

For salary of copy editor for state printer, three thousand six hundred dollars.

For salary of watchman, state printing office, two thousand four hundred dollars.

For postage, traveling, telegraphing, and contingent expenses, fifteen hundred dollars.

For lithographing, engraving, and half-tone plates and zincotypes, and work of like character, state printing office, five thousand dollars.

For insurance of state printing office and contents, three thousand two hundred and fifty dollars (exempt from section 4 of this act).

For legislative printing, thirty-ninth session, two thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state printer, seven hundred dollars.

FOR STATE BOARD OF HEALTH.

For salary of secretary to the state board of health, seven thousand two hundred dollars. State board of health.

For salary of attorney to state board of health, six thousand dollars.

For salary of statistician, state board of health, four thousand eight hundred dollars.

For salary of deputy statistician, state board of health, three thousand two hundred dollars.

For salary of clerk, state board of health, three thousand two hundred dollars.

For salary of director, food and drug laboratory, state board of health, six thousand dollars.

For salary of assistant director, food and drug laboratory, state board of health, three thousand dollars.

For traveling and contingent expenses of office of state board of health, six thousand dollars.

For printing, binding, and ruling, and all other work performed and material furnished by the state printing office to the state board of health, four thousand dollars.

For bacteriological laboratory support, ten thousand dollars.

For pure food and drug laboratory support, twenty thousand dollars.

FOR OFFICE OF INSURANCE COMMISSIONER.

For salary of insurance commissioner, eight thousand dollars. Insurance commissioner.

For salary of deputy insurance commissioner, five thousand four hundred dollars.

FOR BOARD OF RAILROAD COMMISSIONERS.

For salaries of railroad commissioners, twenty-four thousand dollars. Railroad commissioners.

For salary of secretary to board of railroad commissioners, four thousand eight hundred dollars.

For salary of bailiff to board of railroad commissioners, two thousand four hundred dollars.

For salary of stenographer to board of railroad commissioners, two thousand four hundred dollars.

For office rent, board of railroad commissioners, twelve hundred dollars.

For fuel, lights, postage, expressage and incidental expenses, board of railroad commissioners, twelve hundred dollars.

For traveling and contingent expenses, board of railroad commissioners, twenty thousand dollars.

FOR STATE BOARD OF EQUALIZATION.

State
board of
equaliza-
tion.

For salaries of members of the state board of equalization, thirty-two thousand dollars.

For salary of clerk, state board of equalization, six thousand dollars.

For pay of porter, state board of equalization, nine hundred and sixty dollars.

For postage, expressage, telegraphing, and contingent expenses, state board of equalization, one thousand dollars.

For traveling and contingent clerical expenses, as provided by section 3702 of the Political Code, twelve thousand dollars.

For printing, binding, and ruling, and all other work performed and materials furnished by the state printing office to the state board of equalization, two thousand five hundred dollars.

FOR COMMISSIONER FOR REVISION AND REFORM OF THE LAW.

Commis-
sioner for
revision
and
reform of
the law.

For salary of commissioner for revision and reform of the law, seven thousand two hundred dollars.

For salary of stenographer to commissioner for revision and reform of law, two thousand four hundred dollars.

For postage, expressage, telegraphing, stationery and contingent expenses, office of commissioner for revision and reform of law, three hundred and seventy-five dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office, twelve hundred and fifty dollars.

FOR STATE BOARD OF FORESTRY.

Board of
forestry.

For salary of state forester, six thousand dollars.

For salaries of two assistant foresters, six thousand eight hundred dollars.

For support of state board of forestry, including field and traveling expenses, fifteen thousand dollars.

For printing, binding, and ruling, and all other work performed and materials furnished by the state printing office to the state board of forestry, two thousand five hundred dollars.

FOR CALIFORNIA REDWOOD PARK.

Redwood
Park.

For improvement and maintenance, ten thousand dollars.

FOR STATE ENGINEERING DEPARTMENT.

Depart-
ment of en-
gineering.

For salary of state engineer, ten thousand dollars.

For salaries of two assistant state engineers, twelve thousand dollars.

For salary of state architect, nine thousand six hundred dollars.

For salary of architectural designer, four thousand eight hundred dollars.

For salaries of three architectural draughtsmen, twelve thousand dollars. Department of engineering.

For salaries of two engineer's draughtsmen, eight thousand dollars.

For salary of one testing engineer, four thousand two hundred dollars.

For salary of one mechanical engineer, five thousand four hundred dollars.

For salaries of two filing clerks, state engineering department, seven thousand two hundred dollars.

For salary of blue print pressman, three thousand dollars.

For salary of secretary, state engineer, four thousand eight hundred dollars.

For salaries of two clerks and stenographers, six thousand dollars.

For salary of the porter and messenger, department of engineering, eighteen hundred dollars.

For contingent and traveling expenses, department of engineering, twenty thousand dollars.

For improvement and maintenance of Mono Lake Basin road, three thousand dollars.

For improvement and maintenance of Sonora and Mono road, twelve thousand dollars.

For improvement and maintenance of Lake Tahoe wagon road, ten thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the department of engineering, two thousand dollars.

FOR STATE MINING BUREAU.

For salary of state mineralogist, six thousand dollars. Mining bureau.

For support of the mining bureau, including salaries, sixty thousand dollars; *provided*, that not less than thirty thousand dollars shall be expended in making a practical and scientific examination of the mineral districts of California, including the oil districts, and the development, production, resources, methods of working and future possibilities of the mining and oil industries of California. Such examination to be made by competent experts experienced in California mining, and assistants, all of whom shall be appointed and their compensation fixed by the governor.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state mining bureau, seven thousand five hundred dollars

FOR STATE BOARD OF CHARITIES AND CORRECTIONS.

For salaries and expenses (act March 25, 1903), twelve thousand dollars. Board of charities and corrections.

FOR STATE HOSPITALS FOR INSANE.

- State hospitals. For support of Stockton state hospital, three hundred and fifteen thousand dollars.
- Stockton. For salaries of officers and employees of same, two hundred ninety-five thousand dollars.
- Napa. For support of Napa state hospital, two hundred and ninety-four thousand dollars.
For salaries of officers and employees of same, two hundred and eighty-five thousand dollars.
- Agnews. For support of Agnews state hospital, two hundred and three thousand dollars.
For salaries of officers and employees of same, two hundred and one thousand dollars.
- Mendocino. For support of Mendocino state hospital, two hundred and five thousand dollars.
For salaries of officers and employees of same, one hundred and forty-five thousand dollars.
- Southern California. For support of Southern California state hospital, two hundred and sixty-six thousand dollars.
For salaries of officers and employees of same, one hundred and ninety thousand dollars.
- Folsom. For support of Folsom state hospital, twelve thousand dollars.
For salaries of officers and employees of Folsom state hospital, twelve thousand dollars.
- Sonoma state home. For support of Sonoma state home, one hundred and seventy-six thousand dollars.
For salaries of officers and employees of same, one hundred and fifty-five thousand dollars.

FOR STATE COMMISSION IN LUNACY.

- Lunacy commission. For salaries of officers and employees thereof, and for salary of general superintendent of state hospitals, thirty-seven thousand five hundred dollars.
For traveling expenses and all other contingent expenses of the commission and its officers and employees, four thousand five hundred dollars.
For printing, binding, ruling, and all other work performed and material furnished by the state printing office to the state commission in lunacy, and the state hospitals, under the direct supervision of the commission, five thousand five hundred dollars.

FOR INSTITUTION FOR THE DEAF AND BLIND.

- Institution for deaf and blind. For support of institution for deaf and blind at Berkeley, forty-five thousand five hundred dollars.
For salaries of officers and employees of same, ninety-four thousand five hundred dollars.
For printing, binding, ruling, and all other work performed and material furnished by the state printing office, to the institution for deaf and blind, six hundred dollars.

FOR HOME FOR ADULT BLIND.

- For support of home for adult blind, forty thousand dollars. Home for adult blind.
- For salaries of officers and employees of same, twenty-six thousand dollars.
- For printing, binding, ruling, and all other work performed and material furnished by the state printing office to the home for adult blind, four hundred dollars.

STATE PRISONS AND REFORM SCHOOLS.

- For support of state prison at San Quentin, four hundred and thirty thousand dollars. State prisons.
- For salaries of officers and employees of same, two hundred and ten thousand five hundred dollars. San Quentin.
- For printing, binding, ruling, and all other work performed and material furnished by the state printing office to the state prison at San Quentin, two thousand five hundred dollars.
- For support of state prison at Folsom, one hundred and ninety-six thousand dollars. Folsom.
- For salaries of officers and employees of same, one hundred and sixty thousand eight hundred dollars.
- For printing, binding, ruling, and all other work performed and material furnished by the state printer to the state prison at Folsom, two thousand five hundred dollars.
- For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the state board of prison directors, five hundred dollars.
- For salary of director of state bureau of criminal identification, three thousand six hundred dollars.
- For support of state bureau of criminal identification, six thousand five hundred dollars. Vetoesd.
- For support of Preston school of industry, one hundred and thirty-three thousand dollars. Preston school of industry.
- For salaries of officers and employees of same, one hundred and eleven thousand dollars.
- For library, Preston school of industry, seven hundred and fifty dollars.
- For support of Whittier state school, one hundred and fifteen thousand dollars. Whittier state school.
- For salaries of officers and employees of same, one hundred and five thousand dollars.
- For library, Whittier state school, five hundred dollars.
- For transportation of prisoners, insane, delinquent and feeble-minded children to state institutions to which they are committed (exempt from section 4 of this act), one hundred and eighty thousand dollars. Transportation of prisoners.

FOR UNIVERSITY OF CALIFORNIA.

- For support and maintenance of University of California (act of March 15, 1901), two hundred thousand dollars. University of California.
- For support and maintenance of experimental and pathological station (act of March 18, 1905), forty thousand dollars.

For maintenance of a department of music (act of March 22, 1905), six thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the state university, six thousand dollars.

FOR STATE NORMAL SCHOOLS.

State
normal
schools.

For support of state normal school at San Jose, ten thousand dollars.

San Jose.

For salaries of officers, teachers, and employees of same, one hundred and twelve thousand dollars.

For care and improvement of grounds, six thousand dollars.

For library, museum, and purchase of scientific apparatus, three thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state normal school at San Jose, nine hundred dollars.

Los
Angeles.

For support of state normal school at Los Angeles, ten thousand dollars.

For salaries of officers, teachers, and employees of same, ninety-eight thousand dollars.

For care and improvement of grounds, two thousand five hundred dollars.

For library, museum, and purchase of scientific apparatus, three thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state normal school at Los Angeles, nine hundred dollars.

Chico.

For support of state normal school at Chico, six thousand dollars.

For salaries of officers, teachers, and employees of same, seventy thousand dollars.

For care and improvement of grounds, two thousand five hundred dollars.

For library, museum, and purchase of scientific apparatus, two thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state normal school at Chico, nine hundred dollars.

San Diego.

For support of state normal school at San Diego, seven thousand dollars.

For salaries of officers, teachers, and employees of same, sixty-seven thousand five hundred dollars.

For library, museum, and scientific apparatus for same, two thousand dollars.

For care and improvement of grounds of same, three thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state normal school at San Diego, nine hundred dollars.

San
Francisco.

For support of state normal school at San Francisco, six thousand dollars.

For salaries of officers, teachers, and employees of same, fifty-seven thousand dollars.

For library, museum, and scientific apparatus for same, two thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state normal school at San Francisco, nine hundred dollars.

FOR CALIFORNIA POLYTECHNIC SCHOOL.

For support and maintenance, including purchase of stock and equipment for farm and laboratories, twenty-five thousand dollars. California polytechnic school.

For salaries of officers, teachers, and employees, fifty-five thousand dollars.

For care and improvement of grounds, six thousand dollars.

For library, one thousand dollars.

For expenses of trustees, eight hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to California polytechnic school, seven hundred and fifty dollars.

FOR BUREAU OF LABOR STATISTICS.

For salary of the commissioner, bureau of labor statistics, six thousand dollars. Bureau of labor statistics.

For salary of the deputy commissioner, bureau of labor statistics, four thousand eight hundred dollars.

For salary of assistant deputy commissioner, bureau of labor statistics, four thousand two hundred dollars.

For salary of statistician, bureau of labor statistics, four thousand two hundred dollars.

For salary of stenographer, bureau of labor statistics, two thousand four hundred dollars.

For office rent, bureau of labor statistics, two thousand four hundred dollars.

For salary of assistants, traveling and contingent expenses, bureau of labor statistics (chapter XLII statutes 1909), fifteen thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the bureau of labor statistics, five thousand dollars.

FOR STATE COMMISSIONER OF HORTICULTURE.

For salary of commissioner, six thousand dollars.

For salary of deputy commissioner, four thousand eight hundred dollars. Commissioner of horticulture.

For salary of secretary, four thousand two hundred dollars.

For salary of superintendent of state insectary, four thousand eight hundred dollars.

For salary of assistant superintendent state insectary, three thousand six hundred dollars.

For salary of inspector at San Francisco, three thousand six hundred dollars.

For salary of clerk at Sacramento office, three thousand dollars.

For use and support of office of commissioner of horticulture, searching for beneficial insects, and use and support of the state insectary, twenty-five thousand dollars.

For printing, binding, ruling, and all other work and material furnished by the state printing office to the state commissioner of horticulture, six thousand dollars.

FOR FISH COMMISSION.

Fish commission.

For support and maintenance of state hatcheries, forty thousand dollars.

FOR STATE DAIRY BUREAU.

Dairy bureau.

For support of state dairy bureau (act of 1897), twenty-five thousand dollars.

FOR STATE BOARD OF EDUCATION.

Board of education.

For traveling expenses of state board of education, fifteen hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state board of education, one hundred dollars.

FOR VETERANS' HOME.

Veterans' home.

For support and maintenance of veterans' home, two hundred and twenty thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the veterans' home, two hundred and fifty dollars.

FOR STATE AGRICULTURAL SOCIETY.

Agricultural society.

For aid to state agricultural society; *provided*, that the state agricultural society create and maintain a statistical department for the annual collection, compilation and distribution of statistics relating to the products and resources of the state, forty thousand dollars.

For printing, binding, ruling, and all other work performed and material furnished by the state printing office to the state agricultural society, six thousand dollars.

For traveling expenses of the directors of the state agricultural society, fifteen hundred dollars.

FOR STATE VETERINARIAN.

Veterinarian.

For salary of state veterinarian, seven thousand two hundred dollars.

For salary of assistant state veterinarian, six thousand dollars.

For salary of deputy state veterinarian, three thousand six hundred dollars.

For salary of clerk, three thousand two hundred dollars.

For traveling and contingent expenses of the office of the state veterinarian, sixteen thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state veterinarian, four hundred dollars.

FOR UNIVERSITY FARM AND SCHOOL OF AGRICULTURE.

For salaries of officers, instructors and employees of the university farm and agricultural school at Davis, forty-four thousand five hundred dollars. University farm.

For support and maintenance of said farm and school, forty thousand dollars.

For care and improvement of grounds of said school, four thousand dollars.

FOR MISCELLANEOUS PURPOSES.

For traveling expenses joint board of normal school directors, fifteen hundred dollars. Normal school directors.

For salary of guardian, Marshall monument and grounds, twelve hundred dollars. Marshall monument.

For salary of guardian of Sutter's Fort, eighteen hundred dollars. Sutter's Fort.

For salary of gardener of Sutter's Fort, two thousand one hundred and sixty dollars.

For maintenance of grounds and buildings at Sutter's Fort, fifteen hundred dollars.

For payment of interest on one hundred thousand dollars, to Hastings college of law, fourteen thousand dollars. Interest.

For care of state burial grounds, five hundred dollars. Burial grounds

HARBOR COMMISSIONERS, EUREKA.

For salaries of three commissioners, two thousand four hundred dollars. Harbor commission, Eureka.

For salary of harbormaster, two thousand four hundred dollars.

For salary of secretary, harbor commissioners at Eureka, two thousand dollars.

For contingent expenses of the commission, three thousand dollars.

For orphans, half orphans and abandoned children, eight hundred and seventy-five thousand dollars. Orphans.

SEC. 2. The various sums herein appropriated for printing, binding, ruling, materials and all other work provided by law to be done in the state printing office shall be expended only upon requisitions to be approved by the state board of examiners, and said board is authorized and given power to reduce the amount of such requisitions either in whole or in any item thereof. Printing.

When any state publication is printed and paid for out of any appropriation in this act, the disposition of the same shall Disposition of publications.

Expenses
of legisla-
ture.

Expenses
of national
guard.

Perma-
nent
improve-
ments.

Statement
to be
submitted
with
biennial
report.

Monthly
allow-
ances.

Expendi-
tures in
excess of
appropri-
ations.

be subject to the provisions of section 2295a of the Political Code of the State of California. The sums that are herein appropriated for expenses of the senate and assembly shall be disbursed under the direction of the bodies to which they respectively belong, and shall not be subject to any of the provisions of section six hundred and seventy-two of the Political Code. The sums herein appropriated for the expenses of the national guard shall be audited by the adjutant general, as required by sections two thousand and eighty-three and two thousand and eighty-five of the Political Code. Not more than five hundred dollars of the moneys hereby appropriated for the support of the institutions of the state shall be used for permanent improvements, but shall be used solely for the payment of salaries and traveling expenses of the commissioners or directors having charge of the same (when such salaries or expenses are allowed by law), the salaries of employees, the purchase of material and supplies for the use of said institutions, and for such incidental and current expenses as may be necessarily incurred for the proper management and support of said institutions.

SEC. 3. All persons having demands against the state, the various state officers, and the officers of all institutions under the control of the state, except the governor, to whom and for which appropriations other than salaries are made under the provisions of this act, shall, with their biennial report, submit a detailed statement, under oath, of the manner in which all appropriations for their respective departments and institutions have been expended, and the state board of examiners, is hereby expressly prohibited from allowing any demand payable out of any such appropriations until the same are presented in itemized form, accompanied by affidavit and voucher for money expended by them, stating specifically the service rendered, by whom performed, time employed, distance traveled, and necessary expenses thereof; if for articles purchased, the name of each article, together with the price paid for each, and of whom purchased, with the date of the purchase. All bills and vouchers, which shall be presented for supplies furnished or services rendered, shall be original bills and vouchers of the parties furnishing supplies and rendering services; *provided*, that no officer shall use or appropriate any money, appropriated by this act, for any purpose whatsoever, unless authorized thereto by law.

SEC. 4. Not more than one twenty-fourth of the amount appropriated under this act for each department or institution for the two years ending June thirtieth, nineteen hundred and eleven, shall be expended during any one month without the consent of the state board of examiners, and not more than one half of such appropriation shall be expended during the sixty-first fiscal year, unless the same has been expressly authorized by this act.

SEC. 5. The officers of the various departments, boards, commissions, and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden

to make any expenditure in excess of such appropriations, except the unanimous consent of the state board of examiners be first obtained, and a certificate, in writing, duly signed by every member of said board, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the state in violation of the provisions of this section shall be absolutely null and void, and shall not be allowed by said state board of examiners, nor paid out of any state appropriations; *provided*, that any member of any such department, board, commissions, or institutions, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the unanimous consent of the state board of examiners, and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation, to whom such indebtedness is owing.

SEC. 6. No money appropriated by this act shall be used to renew, or pay for the renewal of, any insurance on any public building or property, nor to affect or pay for any new insurance on any public building or property, except the state printing office and its contents and the pavilion of the state agricultural society. Insurance.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, April 26, 1900.

This bill, being Assembly Bill No. 1445, entitled "An act making appropriations for the support of the government of the State of California for the sixty-first and sixty-second fiscal years," is approved with the exception of the following items, to which I object, and the following are my objections thereto, and the reasons therefor, to wit: Veto message.

OBJECTION 1. I object to the item on page 7, "For salary of porter, secretary of state's office, seven hundred and twenty dollars." for the reason that a former item in this bill makes an appropriation for the salary of porter in the office of the secretary of state, and this item is an error and duplication of such appropriation.

OBJECTION 2. I object to the item on page 18, "For support of state bureau of criminal identification, six thousand five hundred dollars." for the reason that the statute of 1905, creating this bureau, provides that the necessary expenses of said bureau are "to be paid for pro rata out of the current expense funds of the penal institutions under the control of such prison directors," which provision is still in force and effect, and for this reason the above item is not proper nor necessary.

J. N. GILLET. Governor.

CHAPTER 726.

An act to amend section nine hundred and twenty-five of the Penal Code of the State of California.

[Approved April 27, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 925 of the Penal Code is hereby amended to read as follows:

Grand jury: may ask advice.

Report of testimony.

Copy to be filed.

Who may be present at sessions.

925. The grand jury may, at all times, ask the advice of the court, or the judge thereof, or of the district attorney; but unless such advice is asked, the judge of the court must not be present during the sessions of the grand jury. The district attorney of the county may at all times appear before the grand jury for the purpose of giving information or advice relative to any matter cognizable by them, and may interrogate witnesses before them whenever he may deem it necessary; the grand jury whenever criminal causes are being investigated before them, must appoint a competent stenographic reporter to be sworn and to report the testimony that may be given in such causes in shorthand, and reduce the same to longhand or typewriting; a copy of such testimony must be filed with the clerk of the court within ten days after the finding of such indictment and delivered to the defendant upon his arraignment after indictment, as provided by section nine hundred and eighty-eight of this code. The services of such stenographic reporter constitute a charge against the county. No person other than those specified in this and the succeeding section is permitted to be present during the session of the grand jury, except the members and witnesses actually under examination, and no person must be permitted to be present during the expression of their opinions, or giving their votes upon any matter before them. The grand jury or district attorney may require by subpoena the attendance of any person before the grand jury as interpreter, and such interpreter may, while his services are necessary, be present at the examination of witnesses before the grand jury. The services of such interpreter constitute a charge against the county.

CHAPTER 727.

An act to amend section nine hundred and eighty-eight (988) of the Penal Code of the State of California.

[Approved April 27, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section nine hundred and eighty-eight of the Penal Code of the State of California, is hereby amended to read as follows:

988. The arraignment must be made by the court, or by the clerk or district attorney under its direction, and consists in reading the indictment or information to the defendant and delivering to him a true copy thereof, and of the indorsements thereon, including the list of witnesses, and asking him whether he pleads guilty or not guilty to the indictment or information, *provided*, that if an indictment has been found against the defendant, at the time of his arraignment, he shall be served with a true copy of the testimony given in his case before the grand jury.

Arraign-
ment.

CHAPTER 728.

An act to create a reclamation district to be called "American River Reclamation District Number 1," and providing for the control and management thereof.

[Approved April 28, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A reclamation district is hereby created to be called "American river reclamation district number 1," and the boundaries of said reclamation district shall be as follows:

Beginning at a point in the county of Sacramento, State of California, where the left or easterly bank of the Sacramento river intersects the left or southerly bank of the American river, and thence following the meanderings of said American river along its southerly bank, up stream, in a general easterly direction, to a point where said southerly bank is intersected by the Northern Electric Company's railroad embankment; thence following said embankment in a general southerly direc-

American
river recla-
mation
district
No. 1.
Bound-
aries.

Bound-
aries.

tion to its junction with the north line of north B street of the city of Sacramento; thence in a general northwesterly direction and westerly direction along the north line of north B street of said city until it strikes the levee of the city of Sacramento running diagonally from Twelfth and B streets to B street north of said city: thence along the north base of said last described levee, in a general northwesterly and westerly direction, following its turns and angles, to a slough, at which last described point a bridge crosses said slough with the right to join its levees with the face of said last described levee; thence down the left or southerly bank of said slough to its intersection with the left or easterly bank of the Sacramento river; thence northerly along the easterly bank of said Sacramento river, following its meanderings, to the point of beginning.

Wherever the term "bank" is used herein, it is intended to designate that point on the shore line which occupies the same relative position to the stream of which it is the bank, as the point of intersection of the southerly bank of the American river with the Northern Electric Company's embankment bears to said river.

Manage-
ment.

SEC. 2. The management and control of said reclamation district is hereby made subject to the provisions of the Political Code of the State of California, and other laws of this state, relative to reclamation districts formed under the provisions of said Political Code.

Subject to
act of 1905.

SEC. 3. The said district shall be subject to the act of the legislature known as the Sacramento drainage act, approved March 20th, 1905 (statutes of 1905, page 443) and any amendments theretofore or hereafter adopted.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER 729.

An act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers.

[Approved April 28, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The board of supervisors in each and every county or city and county of the State of California may, in its discretion, appoint a county board of forestry, who shall serve without compensation, and who shall have exclusive charge and control of all shade and ornamental trees, hedges, lawns, shrubs and flowers growing or to be grown upon the public roads, highways, grounds and property within its respective county. County board of forestry.

SEC. 2. Whenever the board of supervisors of any county or city and county in this state shall, by resolution or ordinance, elect to avail itself of the provisions of this act, such board shall, within two months thereafter, appoint five suitable and competent persons, one from each supervisorial district of such county or city and county, as a county board of forestry in and for such county, who shall serve as such without compensation. Appointment.

SEC. 3. The term of office of such county board of forestry shall be four years; *provided, however*, that the persons first appointed shall so classify themselves by lot that two of their number shall retire from office at the end of two years, two at the end of three years and one at the end of four years. If any vacancy occurs in the office, such vacancy shall be filled, for the unexpired term, by the board of supervisors. Term of office.

SEC. 4. Within ten days after notice of their appointment, the members of said county board of forestry shall organize by the election of one of their members as chairman and adopt suitable rules for their government. Organization.

Forester,
appoint-
ment of.

SEC. 5. When organized, said county board of forestry, shall appoint a suitable and competent person as county forester to serve as such during the pleasure of the board, prescribe his duties and fix his compensation, which, however, shall not exceed one hundred and fifty dollars per month.

Power and
duty of
forester.

SEC. 6. Such forester, when appointed, shall execute a bond to said board, in the sum of \$1000, for the faithful performance of his duties. He shall act as its secretary and perform such other duties as said board shall prescribe. Said forester shall have power and it shall be his duty to enforce the provisions of this act and all lawful orders of said board and he shall be and hereby is vested with all the powers of a peace officer to make arrests for the violation of any of the provisions of this act.

Power of
board.

SEC. 7. Every county board of forestry appointed under the provisions of this act shall, within their respective counties, have exclusive power over and jurisdiction to decide upon the variety, kind and character of trees, hedges and shrubs that shall be planted upon said roads, highways, grounds and property; and to determine all questions respecting the pruning, cutting and removal of any trees, hedges and shrubs now growing and to grow thereon and the necessity therefor and the extent of and the manner in which said work shall be done; and to enforce, carry out and effectuate the provisions of this act; *provided, however,* that said board, in the exercise of its powers and the performance of its duties hereunder, shall not interfere with the jurisdiction of the board of supervisors over the roads, highways, grounds and property in the improvement, care and general control thereof.

Control of
trees.

SEC. 8. It shall be unlawful for any person or corporation (except said county board of forestry) in any county or city and county where a county board of forestry has been created and appointed under the provisions of this act, to trim, prune, cut, deface, destroy or remove any shade or ornamental tree, hedge or shrub growing or to grow upon any such road, highway, ground or property or to paint, place, attach to or put upon any such trees, hedges or shrubs any sign, notice, advertisement or advertising device without the consent in writing of said board first obtained, or to plant any tree, hedge or shrub on any such road, highway, ground or property without such written consent.

Violation.

SEC. 9. Every person who shall violate any of the provisions of section 5 of this act, shall be guilty of a misdemeanor.

received as
penalties.

SEC. 10. All moneys received as penalties for the violation of the provisions of this act, shall be paid into the county treasury to the credit of the county board of forestry fund, which fund is hereby created, and the moneys thereof hereby appropriated for the expenses of said board in the carrying out of provisions of this act and the policy and purposes herein provided.

SEC. 11. Boards of supervisors, whenever the provisions of this act are availed of, shall appropriate money for the use of said county board of forestry sufficient to pay the compensation of said county forester and for the necessary expenses of said county board of forestry. Provision
for
expenses.

SEC. 12. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 13. This act shall take effect immediately.

CONCURRENT AND JOINT RESOLUTIONS

AND

CONSTITUTIONAL AMENDMENTS

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.

CHAPTER 1.

Senate Joint Resolution No. 1, relative to a joint resolution in congress confirming a grant of privileges made by the secretary of the interior department for reservoir sites in the Hetch Hetchy valley and at Lake Eleanor, in the Yosemite National Park and forest reserves, etc.

[Adopted January 20, 1909.]

WHEREAS, There is pending in the congress of the United States a joint resolution confirming a certain grant of privileges made by the secretary of the interior department to the city and county of San Francisco, under date of May 11, 1908, whereby certain applications for reservoir sites in the Hetch Hetchy valley and at Lake Eleanor, in the Yosemite National Park and forest reserves, to be used for a source of water supply by said city and county, conditioned upon certain stipulations and agreements made by the parties thereto, were approved by said secretary of the interior department.

Relating
to Hetch
Hetchy
water.

Therefore, be it resolved, by the senate and the assembly jointly, That our senators in congress be instructed and our members in congress be requested to use all honorable means to secure the prompt adoption by congress of the joint resolution referred to in the preamble of this resolution.

CHAPTER 2.

Assembly Joint Resolution No. 2, relative to repairs of United States roads in Yosemite valley.

[Adopted January 20, 1909.]

WHEREAS, Since Yosemite valley was ceded by the State of California, to the United States, sufficient money has not been appropriated by congress to maintain the public roads in said valley in a suitable or fit condition for public travel thereover; therefore, be it

Mainte-
nance of
public
roads in
Yosemite
valley.

Resolved by the assembly and the senate of California jointly, That our senators in congress be instructed and our representatives be requested to use all honorable means necessary to secure appropriations in the present session of congress sufficient to place said roads in good condition; and, be it further

Resolved, That the chief clerk of the assembly immediately forward copy of these resolutions to each of the senators and representatives in congress, from California.

CHAPTER 3.

Assembly Concurrent Resolution No. 2, relative to requesting the admission of the University of California to the list of accepted institutions entitled to the benefits of the Carnegie foundation for the advancement of teaching.

[Adopted January 20, 1909.]

Request in
behalf of
state uni-
versity.

Resolved by the assembly, the senate concurring, That the legislature of the State of California request the admission of the University of California to the list of accepted institutions entitled to the benefits of the Carnegie foundation for the advancement of teaching; and be it further

Resolved, That we express our high appreciation of the beneficent purposes of this foundation, and of the good which it has wrought in strengthening and developing the system of university education in America and providing more adequate reward, through its pension plan, for the services of American scholars to the community.

CHAPTER 4.

Assembly Joint Resolution No. 3, relative to the grape growing interests of California.

[Adopted January 25, 1909.]

Preamble. WHEREAS, By the repeal of paragraph 265 of the act of congress of July 24th, 1897, grapes imported to the United States from Spain would be placed upon the free list, and thereby come into direct competition with grapes grown in California, and would thereby work an irreparable injury to the grape growers of the State of California; and

WHEREAS, All tariff hearings, before the ways and means committee of congress, have closed: and

WHEREAS, The grape growers of the State of California were not given an opportunity for a full hearing before the said ways and means committee in support of the grape interests of the State of California; and

WHEREAS, The grape growing interests of the State of California are of such magnitude as to warrant a full hearing before the ways and means committee, in relation to the injuries that would be imposed upon the people of the State of California, if the grapes grown in Spain were placed upon the free list; and

WHEREAS, The best interests of the State of California would be conserved by the retention of the present tariff tax upon the grapes imported to the United States from Spain: now, therefore, be it

Resolved by the senate and assembly of the State of California, concurring jointly, That we request, urge and petition the senators and the congressmen of the State of California to use every honorable effort to have the ways and means committee of congress reopen the tariff revision hearing, in so far as it relates to the said section 265 of the act of July 24th, 1897, and that the said committee be asked to set a day certain for the presentation to it of facts and arguments by representatives of the grape growing interests of the State of California; and be it further

Request
for tariff
revision as
to grapes.

Resolved, That a copy of this resolution be immediately telegraphed to both senators from California, and also to Hon. J. C. Needham, with a request that he furnish a copy of such telegram to each of the other congressmen from the State of California.

CHAPTER 5.

Senate Concurrent Resolution No. 2, approving seventeen certain amendments to the charter of the city of San Diego, in the county of San Diego, State of California, voted for and ratified by the qualified electors of the said city of San Diego at a special election held therein for that purpose on the 12th day of January, 1909.

[Adopted February 1, 1909.]

WHEREAS, In accordance with the provisions of section 8 of article 11 of the constitution of the State of California, the city of San Diego, a municipal corporation in the county of San Diego, State of California, framed a charter which was duly ratified by a vote of the people of said city at a special election held for that purpose on the 2nd day of March, 1889, which charter was duly approved by the legislature of the State of California on the 16th day of March, 1889, by joint resolution entitled, "Senate Joint Resolution No. 5, approving the charter of the city of San Diego, in the county of San Diego, California, voted for and ratified by the qualified voters

Amend-
ments to
charter of
city of San
Diego.

Preamble.

Preamble. of said city at a special election held therein for that purpose on the second day of March, 1889;" and

WHEREAS, The said charter of the said city of San Diego, ratified and approved as aforesaid, has now been in force for more than two years since its said adoption and approval, and since it has been amended; the same not having been amended in the two years last past; and

WHEREAS, The legislative authority of the said city of San Diego, did, by ordinance numbered three thousand four hundred seventy-six, of the ordinances of said city, adopted by the common council of said city on the 26th day of October, 1908, entitled "An ordinance proposing certain amendments to the charter of the city of San Diego, California, and providing for the publication thereof, and describing and setting forth certain amendments." and approved by the mayor of said city on the 2nd day of November, 1908, and pursuant to section 8 of article 11 of the constitution of the State of California, duly proposed to the qualified electors of the said city of San Diego nineteen certain amendments to the charter of the said city; and

WHEREAS, Said ordinance numbered three thousand four hundred seventy-six, containing said nineteen proposed amendments to said charter, was, and each of said nineteen proposed amendments were in accordance with the provisions of section 8 of article 11 of the constitution of the State of California, published for twenty days after the passage and approval of said ordinance numbered three thousand four hundred seventy-six in the city official newspaper of said city, to-wit: The San Diego Union and Daily Bee, a daily newspaper of general circulation in the said city of San Diego; and

WHEREAS, The said legislative authority of the said city of San Diego, did, by ordinance numbered three thousand five hundred and six of the ordinances of said city adopted by the common council of said city on the 30th day of November, 1908, entitled "An ordinance calling and providing for a special election in and for the city of San Diego, California, to be held in said city on Tuesday, the twelfth day of January, 1909, for the purpose of submitting to the qualified electors of said city of San Diego, nineteen certain proposals to amend the charter of said city, pursuant to the provisions of, and in the manner provided by, the constitution and laws of the State of California; establishing municipal election precincts for said election and designating polling places therein; appointing a board of election for each precinct; and providing for notice to be given of said election," approved by the mayor of said city on the 1st day of December, 1908, call a special election to be held in the said city of San Diego, on Tuesday, the twelfth day of January, 1909, for the purpose of submitting to the qualified electors of the said city of San Diego, said nineteen proposed amendments to the said charter; and,

WHEREAS, Said special election was held in the said city of San Diego, on the said twelfth day of January, 1909, which date was more than forty days after said proposed amendments

had been published for twenty days in the said San Diego Preamble.
Union and Daily Bee; and,

WHEREAS, On the eighteenth day of January, 1909, at an adjourned meeting held by the common council of said city, in accordance with law and the charter of said city of San Diego, the said common council duly and regularly canvassed the returns of said special election, and duly declared the results thereof, and did thereby find and determine that two of said proposed amendments designated in said ordinance No. 3506, as amendments numbers four and seventeen respectively, were not ratified by more than a majority of the electors voting thereon, and voting at said election, and that each and all of the other proposed amendments in said ordinance No. 3506, mentioned and hereinafter particularly set forth and submitted to the legislature of the State of California, for approval or rejection, were and each of them, was duly ratified by more than a majority of the electors voting thereon, and voting at said election; and the said common council being by law and the charter of said city, duly authorized to conduct, manage and control the holding of elections and all matters pertaining to elections in the said city of San Diego; and,

WHEREAS, At said special election so held on the said twelfth day of January, 1909, seventeen of the said nineteen proposed amendments to the said charter of the said city were duly ratified by more than a majority of the electors voting thereon, and voting at said election; and,

WHEREAS, The said seventeen amendments and each of them, so ratified by the electors of the said city of San Diego at said special election, are now submitted to the legislature of the State of California, for approval or rejection as a whole, without power of alteration or amendment, in accordance with section 8 of article 11, of the constitution of the State of California, and are in the words and figures as follows, to-wit:

Amend chapter 4, article I, by adding thereto a new section to read as follows:

Section 5. It shall be the duty of the auditor in making up his estimate of the probable necessities of the city for each current fiscal year to include in such estimate an amount sufficient to defray the probable expenses of all such special elections as may be called under the initiative, referendum or recall provisions of this charter. Duty of auditor.

Amend sections 3 and 4, of chapter 3, of article I to read as follows:

Section 3. Special elections for all purposes designated in this charter shall be held on the days as fixed by the common council therefore, and shall in all respects, as far as may be, be conducted and held in accordance with the provisions of the laws of this state in effect at the time, excepting that in any election called for the purpose of electing any municipal officer, no ballot shall have any party designation, and the names of all candidates to be voted for each office respectively shall be placed in alphabetical order upon said ballot. Conduct of special elections.

Primary and general municipal elections: nominations.

Section 4. All primary and general municipal elections for the nomination and election of municipal officers shall be conducted as follows:

All candidates for municipal offices to be elected at each general municipal election, shall be nominated by a primary election, and no names shall be placed upon the general ballot except those selected in the manner hereinafter prescribed. The primary election for such nomination shall be held on the second Tuesday preceding the general municipal election and the polls shall be opened and closed at the same hours and in all respects other than as in this charter provided; said primary and general municipal elections shall be conducted in accordance with the laws of this state relating to general elections in force at the time of such election.

Candidates for office, how proposed.

Any person desiring to become a candidate for any elective office, shall, at least fifteen days prior to said primary election, file with the city clerk a statement of such candidacy, in substantially the following form:

STATE OF CALIFORNIA, }
COUNTY OF SAN DIEGO. } ss.

Form of candidate's request.

I,being duly sworn, say that I reside at street, in the city of San Diego, county of San Diego, State of California, and that I am a qualified voter therein and have been for more than two years last past, and that I am a candidate for the office of to be voted upon at the primary election to be held upon the Tuesday of (being two weeks before the municipal election). 19....., and I request that my name be printed upon the official primary ballot for nomination by such primary election for such office.

(Signed).....

Subscribed and sworn to before me this day of, 19.....

.....
Signature of officer.

Petition of electors.

and shall at the same time file therewith a petition of at least fifty qualified electors, requesting such candidacy. Each petition shall be verified by one or more signers thereof before some officer competent to administer oaths, that the statements therein made are true and that each signature to the paper appended, to the personal knowledge of such affiant, is the genuine signature of the person whose name purports to be thereunto subscribed. All signatures to the petition need not all be appended to one paper but each signer shall add to his signature, his place of residence, giving his street and number. Within ten days from the date of filing such petition, the city clerk shall examine, and from the great register ascertain, whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the common council shall allow him extra help for that purpose. If said petition shall be found insufficient, it shall be immediately returned to

the person filing the same without prejudice to the filing of a new petition to the same effect, *provided*, that such new petition shall, if found to be sufficient by the city clerk, be filed with the city clerk at least three days before the day of said primary election. The said petition shall be substantially in the following form:

The undersigned, duly qualified electors of the city of San Diego, and residing at the places set opposite our respective names, do hereby request that the name of be placed on the ballot as a candidate for nomination for (name the office) at the primary election to be held in the city of San Diego, for the nomination of candidates to be voted for at the municipal election to be held in the city of San Diego, on the first Tuesday after the first Monday in April, 19..... (inserting the year).

Form of
petition.

We furthermore state that we know him to be a qualified elector and a man of good moral character, and in our opinion qualified for the duties of such office.

Name of Elector.	Number.	Street.
.....
.....
.....

Immediately upon the expiration of the time to file the statements and petitions for candidacy, the city clerk shall cause to be published for three consecutive days in all the daily newspapers of general circulation published in said city, in proper form and in alphabetical order the names of the persons as they are to appear upon the primary ballot, and the said city clerk shall have the primary ballots printed with the names of all the candidates in alphabetical order under the name of the office for which they are candidates; and on the right of each name shall be a square. Under the name of the last candidate for the office, shall be printed, "Vote for one," except that under the caption, "For members of the common council," shall be the words "Vote for" (giving the number to be elected), and under the caption "For members of the board of education" shall be the words "Vote for" (giving the number to be elected).

Publica-
tion of
names of
candidates
on
primary
ballot.

The ballots shall have no party or other designation or mark whatever and shall be in substantially the following form:

Form of
ballot.

"Candidates for nomination for municipal offices for the city of San Diego, California.

For Mayor	Names of Candidates. (Vote for one)	SQUARE.
For City Treasurer	Names of Candidates. (Vote for one)	SQUARE.
For members of the Common Council	Names of Candidates. (Vote for . . .) (giving number to be elected)	SQUARE.
For members of the Board of Education	Names of Candidates. (Vote for . . .) (giving number to be elected)	SQUARE."

Printing
of ballot.

All ballots printed shall be of precisely 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.

Qualifica-
tions of
electors.

Having caused the ballot to be printed, the city clerk shall cause to be delivered at each polling place a number of such ballots equal to twice the number of votes cast in such polling precinct at the last general municipal election for mayor. The persons who are qualified to vote at the general municipal elections, shall be qualified to vote at such primary election. The law applicable to challenges at a general municipal election shall be applicable to challenges made at such primary election. The officers of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in each precinct for each of the candidates, and make return thereof to the city clerk upon proper blanks to be furnished by the said city clerk. On the first Thursday following said primary election, the common council shall canvass said returns so received from all the election precincts, and shall make and publish, at least once in all the daily newspapers published in said city, the result thereof. Said canvass by the common council shall be publicly made. The two candidates receiving the highest number of votes for each of the offices to be filled, except for the members of the common council and members of the board of education, shall be the candidates and the only candidates whose name shall be placed on the ballot for said office, *provided*, that, where more than one office of the same kind is to be filled, the candidates therefor, equal in number to twice the number of such offices, who receive the highest number of votes at the primary nominating election, shall be the candidates and the only candidates for such offices whose names shall be printed upon the ballot to be used at such general or special election.

Canvass of
returns.

Who shall
be
declared
candi-
dates.

Voter may
write
name of
person.

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.

Amend section 2, of chapter 1, of article II, to read as follows:

Common
council, of
whom to
consist.

Section 2. (a) The common council shall consist of five members to be nominated and elected at large by the electors of the city of San Diego, and shall hold office for four years, except, that at the organization of the first common council elected after the adoption of this provision, the members thereof, shall, by lot, determine that two of its members shall hold office for a term of two years.

Compensa-
tion.

(b) The members of the common council shall receive as compensation the sum of two thousand dollars per annum, for each councilman, payable in equal monthly installments.

(c) Each member of the common council must have been both an elector and an actual resident of the city at least two years next preceding his election, and shall give bond in the sum of \$5,000.00. Qualification
of members.

(d) The common council shall have and possess and the common council and its members shall exercise all executive, legislative and judicial powers and perform the duties now had, possessed and exercised by the common council, the board of public works, the board of commissioners of the police department and the board of commissioners of the fire department, all of which are hereby merged into one body known as the common council. Powers of
council.

(e) All the executive and administrative powers and authority and duties shall be distributed into and among five departments as follows: Distribu-
tion of
duties.

1. Department of finance, ways and means;
2. Department of police, health and morals;
3. Department of public streets and buildings;
4. Department of fire and sewers;
5. Department of water.

(f) Each member of the common council shall be superintendent of a department. Depart-
ment
superin-
tendents.
designa-
tion of.

(g) The common council shall, at the first regular meeting after the election of its members, designate by a majority vote, one councilman to be the superintendent of the department of finance, ways and means; one to be the superintendent of the department of police, health and morals; one to be the superintendent of the department of public streets and buildings, one to be the superintendent of the department of fire and sewers and one to be the superintendent of the department of water; such designation shall be changed by a majority vote of the common council whenever it appears that the public service would be benefited thereby. If the council is unable to agree, the mayor shall have authority to make such designation.

(h) At the first meeting after the organization of the common council, or as soon thereafter as shall be practicable, the common council shall elect by a majority vote, a city attorney, city clerk, city engineer, chief of fire department, chief of police department and such other officers and assistants as shall be provided for by ordinance, and necessary to the proper and efficient conduct of the affairs of the city. Election of
officers.

Any officer or assistant, elected or appointed by the common council, may be removed from office at any time by a vote of two-thirds majority of the members of the common council. Removal
of officer.

(i) The common council shall determine the powers and duties to be performed by, and assign them to, the appropriate department and shall prescribe the powers and duties of all officers and employees; such council may assign particular officers and employees to one or more of the departments, and may require an officer or employee to perform duties in two or more departments; and may make such other rules and regulations Powers
and duties
of officers.

as may be necessary or proper for the efficient and economical conduct of the business of the city.

Removal
from office.

(j) Any officer or assistant so elected or appointed by the common council may be removed from office at any time by a majority vote of the members thereof, except as may otherwise be provided for in this charter.

Creation
of offices.

(k) The common council shall have the power from time to time to create, fill and discontinue offices and employments, other than herein prescribed, according to their judgment of the needs of the city and may, by a majority vote of all the members, remove any such officer or employee, except as otherwise provided for in this charter, and may, by resolution or otherwise, prescribe, limit or change the compensation of such officer or employee.

Meetings
of council.

Amend section 6, chapter 1, article II, to read as follows:

Section 6. The common council shall hold regular meetings on Monday of each week at ten o'clock A. M., or if that be a legal holiday then upon the next day at the same hour, and special meetings at such other times as it may appoint, or of which the president or a majority of the council, or the mayor may give notice. The meetings of the common council shall be public; a majority shall constitute a quorum, and the affirmative vote of a majority shall be necessary to pass any ordinance or resolution.

Amend section 7, of chapter 1, article II, to read as follows:

Members
not to be
interested
in
contracts
with city.

Section 7. No member of said common council shall hold any other office, federal, state, county or municipal, except in the national guard or as a notary public, or be an employee of said city, or of said common council, or be directly or indirectly interested in any contract with said city, or with or for any department or institution thereof; or advance money, or furnish material and supplies for the performance of any such contract; or furnish or become surety for the performance of any such contract. Upon taking office, each member shall make and file in the office of the city clerk an affidavit that he will faithfully comply with and abide by all the requirements of this section. A violation of any of the provisions of this section shall cause a forfeiture of his office by an affirmative vote of not less than two thirds of its members.

That section 16, chapter 1, of article II, of the charter of the city of San Diego, California, be, and the same is hereby repealed.

Amend section 17, chapter 1, article II, to read as follows:

Appoint-
ments by
mayor.

Section 17. The members of the board of health, cemetery commission, park commissioners and auditor, shall be appointed by the mayor and confirmed by the common council.

Section
repealed.

That section 23, chapter 1, article II, of the charter of the city of San Diego, California, be, and the same is hereby repealed.

Rules for
construing
charter.

Amend section 24, chapter 1, article II, to read as follows:

Section 24. In the construction of this chapter, the following rules shall be observed, unless such construction would be

inconsistent with the manifest intent, or clearly repugnant to the context of the provisions of this charter:

(a) Whenever, hereafter, in this charter reference is made to the board of aldermen or to the board of delegates, or to both the board of aldermen and the board of delegates, or to each or both boards of the common council, it is to be construed as referring to the common council and whenever officers or committees of each or either, or both of said boards are referred to, it is to be construed as referring to officers or committees of the said common council.

(b) Whenever, in this charter, reference is made to the board of public works, the board of commissioners of the police department, or to the board of commissioners of the fire department, it is to be construed as referring to the common council; and whenever officers or committees of either of said boards are referred to, it is to be construed as referring to officers or committees of the common council.

(c) Whenever in this charter, powers and duties are vested in the board of public works, the board of commissioners of the police department, or the board of commissioners of the fire department, all and every of such powers and duties are to be construed as vested in or required to be performed by the common council or the members of the common council, or by the proper department, by this charter created wherein the duties of any, either or all of said boards shall be assigned to any of such departments as the appropriate department therefor.

That sections 2 and 4, of chapter 2, of article II, of the charter of the city of San Diego, California, be, and the same are hereby repealed. Sections repealed.

That section 1, chapter 5, article III, of the charter of the city of San Diego, California, be and the same is hereby repealed. Section repealed.

Amend section 1, chapter 9, article III, to read as follows:

Section 1. The annual salaries of the officers and the compensation of the employees of the city shall be as follows: Salaries of officers and employees.

The mayor, two thousand dollars, the auditor and assessor, eighteen hundred dollars; the treasurer and tax collector, two thousand dollars; the city attorney, twenty-four hundred dollars; city engineer, three thousand dollars; chief of police, two thousand dollars; chief of fire department, two thousand dollars, and all other officers and employees as may be fixed by the common council, and all salaries shall be payable monthly. The common council, in the month of January, 1911, and every two years thereafter, shall readjust and fix anew the amount of all official salaries provided for in this charter, except the salaries of the common council. Readjustment of salaries.

Chapters 1 and 5, of article V, of the charter of the city of San Diego, California, be, and the same are hereby repealed. Chapters repealed.

Amend section 32, of chapter I, article VI, to read as follows:

Section 32. The common council is hereby authorized and empowered to adopt an ordinance authorizing the city of San Diego, to avail itself of the provisions of any act of the legis- Consolidation of city and county offices, how.

lature of the State of California, now existing, or which may hereafter be enacted, whereby the duties of the city assessor, the city tax collector and the city treasurer of said city, or any or either of them, are authorized to be performed by the county assessor, county tax collector or the county treasurer of the county of San Diego, and to provide in such ordinance that the duties of the city assessor may be performed by the county assessor and that the duties of the city tax collector may be performed by the county tax collector and the duties of the city treasurer may be performed by the county treasurer of the said county of San Diego, State of California, and upon the taking effect of such ordinance, the offices of city assessor, city tax collector and city treasurer, or either of them, shall cease to exist and said offices, or either of them may be declared to be abolished.

System for
assessment
and collec-
tion of
taxes

The common council shall have the power to provide by such ordinance a system for the assessment, levy and collection of all taxes of said city not inconsistent with the provisions of this section or the laws of the State of California, in reference to the assessment, levy and collection of the state and county taxes, to the end that the duties of the assessor of said city may be performed by the assessor of said county, and the duties of the tax collector of said city may be performed by the tax collector of said county, and the duties of the city treasurer may be performed by the county treasurer of said county in manner and form as is now, or may hereafter be provided by the general laws of the State of California.

May
change
fiscal year.

And the said common council is hereby authorized and empowered, by such ordinance to change the fiscal year of said city of San Diego from the first day of January to such other time as the said common council shall elect, and the said common council shall have power to provide by taxation for sufficient revenue to meet and carry on the necessary expenses of the different departments of the municipal government of said city for the period of time from the end of the fiscal year as it stands before such change was made, to the beginning of the new fiscal year as changed by such ordinance.

And the said common council is hereby authorized and empowered by such ordinance to make all such provisions as said common council may deem necessary to carry into effect the provisions of this section according to its true intent and meaning for the purpose of consolidating the offices of city assessor, city tax collector and city treasurer, or of either of them, with the offices of county assessor, county tax collector and county treasurer, respectively, and to have said county officers perform the duties heretofore performed by said city officers.

Amend section 2, of article VII to read as follows:

Govern-
ment of
school
district.

Section 2. The government of the San Diego school district shall be vested in a board of education, composed of five persons who shall be elected by the electors of the city of San Diego, at large, at the same time and in the same manner as

other municipal officers, and each of whom, shall have been for two years, a resident of said city, who shall be styled member of the board of education. They shall serve four years, or until their successors are elected and qualified.

Except that at the organization of the first board of education, elected after the adoption of this provision, the members thereof, shall, by lot, determine that two of its members shall hold office for a term of two years. Any vacancy in the body shall be filled by the board until the next general city election for municipal officers, when a member shall be elected to fill the unexpired term.

That chapters 1 and 2 of article IX, of the charter of the city of San Diego, California, be and the same are hereby repealed. Chapters repealed.

Amend paragraph 50 of section 1, chapter 2, of article II, to read as follows:

50. (a) That all pueblo lands owned by the city of San Diego, lying and being situated north of the north line of the San Diego river be, and the same are hereby reserved from sale until the year 1930, *provided, however*, that at any time should it be desired to sell any part or portion of such public lands prior to the year 1930, the sale thereof may be authorized by an ordinance duly passed by the common council and ratified by the electors of the city of San Diego at any special or general municipal election. The common council shall levy annually in addition to all other taxes provided for in this charter, 2c on each one hundred dollars valuation of property for the purpose of improving said pueblo lands herein reserved from sale. Pueblo lands reserved from sale.

(b) The common council may provide for the sale and conveyance or lease of all other lands now or hereafter owned by said city not dedicated or reserved for public use; but all leases and sales shall be made at public auction, unless otherwise provided by ordinance after publication or notice thereof for at least three (3) weeks. No lease shall be made for a longer term than two years except by ordinance passed by an affirmative vote of two thirds of the members of the common council. Sale or lease of other lands.

STATE OF CALIFORNIA. }
 COUNTY OF SAN DIEGO. } ss.

This is to certify that we, Jno. F. Forward, mayor of the city of San Diego, California; and J. T. Butler, city clerk of the city of San Diego, California, have compared the foregoing proposed and ratified amendments to the charter of the said city of San Diego with the original ordinance proposing such amendments and submitting the same to the electors of said city of San Diego, at a special election called for that purpose on Tuesday, the twelfth day of January, 1909, and find that the foregoing is a full, true, correct and exact copy thereof and we further certify that the facts set forth in the preamble preceding said amendments to said charter and the allegations of fact following said amendments to said charter, as above set forth, are, and each of them is, true. Certificate of mayor and city clerk.

IN WITNESS WHEREOF. We have hereunto set our hands and caused the same to be authenticated by the seal of said city of San Diego, this 18th day of January, 1909.

JNO. F. FORWARD,
 [SEAL.] Mayor of the City of San Diego, California.
 J. T. BUTLER,
 City Clerk of the City of San Diego, California.

AND WHEREAS, The said proposed amendments, and each one of them, so ratified, have been duly presented and submitted to the legislature of the State of California, for approval or rejection, in accordance with section 8, of article 11, of the constitution of the State of California; now, therefore, be it

Approval
 by legisla-
 ture.

Resolved by the senate of the State of California, the assembly thereof concurring (a majority of all the members elected to each house voting for and concurring therein), That said amendments to the said charter of the said city of San Diego, as proposed and submitted to and adopted and ratified by the qualified electors of the said city of San Diego, be and the same are, and each one of them is, hereby approved as a whole without amendment or alteration for and as amendments to and as part of the charter of the said city of San Diego.

CHAPTER 6.

Senate Joint Resolution No. 9, relative to requesting the secretary of war to advise the United States board of engineers for rivers and harbors to reconsider its action on the report of Captain Amos A. Fries dated December 17th, 1907, relative to the dredging of the channel in San Pedro harbor, California.

[Adopted February 3, 1909.]

Preamble. WHEREAS, Congress of the United States has heretofore appropriated money for the dredging of a channel in and from San Pedro harbor and for other purposes in connection therewith, and

WHEREAS, Work has been progressing at said place under the direction of Captain Amos A. Fries, and

WHEREAS, Said Captain Amos A. Fries has recommended to the said board of engineers for rivers and harbors an appropriation of money for dredging northerly from the turning basin at San Pedro to the limits of the harbor lines as established by the secretary of war, July 29th, 1908, under the authority of a joint resolution of congress approved March 26th, 1908, and

WHEREAS, The Consolidated Lumber Company, a corporation, which controls about fifty acres along the northeasterly bank of the Wilmington lagoon commenced, on the 18th day of

November, 1908, to dredge a channel, at its own cost, 200 feet wide and about 3500 feet long, with a depth of 18 feet at mean low water, with a turning basin at the head of said channel, and has dedicated the ground for said channel to the United States government.

Therefore, be it resolved by the senate and assembly jointly, That the Secretary of War be and he is hereby requested to advise the United States board of engineers for rivers and harbors to reconsider its action on the report of Captain Amos A. Fries dated December 17th, 1907, and that said board recommend dredging northerly from the turning basin at San Pedro to the limits of the harbor lines as established by the secretary of war July 29th, 1908, under authority of a joint resolution of congress approved March 26th, 1908, in order that the main harbor at San Pedro will be connected with the channel and turning basin now being dredged by the said Consolidated Lumber Company, in order that the present class of vessels coming into San Pedro harbor may proceed to said turning basin and thus approach two miles nearer to the city of Los Angeles, California.

Relative to dredging San Pedro harbor channel.

CHAPTER 7.

Senate Concurrent Resolution No. 1, approving seven certain amendments to the charter of the city of Santa Barbara, in the county of Santa Barbara, State of California, voted for and ratified by the qualified electors of the said city of Santa Barbara, at the general municipal election held therein on the 3d day of December, 1907.

[Adopted February 3, 1900.]

WHEREAS, The city of Santa Barbara, in the county of Santa Barbara, State of California, contains a population of over ten thousand inhabitants and has been ever since the year of 1900 and is now, organized and acting under a freeholders' charter adopted under and by virtue of section 8, article XI, of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 20th day of September, 1898, and approved by the legislature of said State of California on the 20th day of February, 1899 (statutes of 1899, pages 448 to 489 inclusive); and.

Amendments to charter, city of Santa Barbara. Preamble.

WHEREAS, The city council of said city of Santa Barbara, did, by resolution adopted by said city council on the 19th day of September, 1907, and approved by the mayor of said city on the 20th day of September, 1907, and pursuant to said section 8, of article XI, of said constitution of the State of California, duly propose to the qualified electors of said city of Santa Barbara nine certain amendments hereinafter set forth, to the

Preamble. charter of said city to be submitted to said qualified electors at a general municipal election to be held in said city on the 3rd day of December, 1907; and,

WHEREAS, Said nine proposed amendments were and each of them was, published for twenty days in a daily newspaper printed and published in said city, and of general circulation therein, to wit, "The Morning Press," said publication ending on the 25th day of October, 1907; and,

WHEREAS, Thereafter the city council of said city, did by ordinance which was duly adopted on the 7th day of November, 1907, and approved by the mayor on the 8th day of November, 1907, order the holding of a general municipal election in said city of Santa Barbara on the 3rd day of December, 1907, which last named date was at least forty days after the publication of said proposed amendments which had been published twenty days as aforesaid, and did provide in said ordinance for the submission of said nine proposed amendments to the said charter to the qualified electors of said city for their ratification at said general municipal election, which said ordinance was published for at least ten days prior to the time appointed for the holding of such election in "The Morning Press," a daily newspaper printed and published in said city; and,

WHEREAS, At said election a majority of the qualified electors voting thereon, voted in favor of the ratification of and did ratify seven of said nine proposed amendments, to wit, numbers three, four, five, six, seven, eight and nine, thereof, but did not ratify numbers one and two of said proposed amendments; and,

WHEREAS, The city council of said city at a special meeting thereof, held within ten days after said election for such purpose, duly canvassed the returns of said election and duly found, determined and declared that a majority of such qualified electors voting thereon, had voted for and ratified each of said seven of said proposed amendments, and rejected said numbers one and two; and,

WHEREAS, The mayor and city clerk of said city did, on the 5th day of January, 1909, duly certify to the submission to the qualified electors of said city of said nine proposed amendments to said charter and to the ratification of said seven of such amendments, and did further certify to a copy of said seven proposed amendments, authorized by the seal of said city of Santa Barbara, which said certificate is in words and figures following, to wit :

STATE OF CALIFORNIA,
COUNTY OF SANTA BARBARA,
CITY OF SANTA BARBARA. } ss.

Certificate of mayor and city clerk.

We, the undersigned, Elmer J. Boeseke, mayor of the city of Santa Barbara, State of California, and A. Davis, city clerk of said city, do hereby certify and declare as follows :

That the city of Santa Barbara, in the county of Santa Barbara, State of California, contains a population of over ten

thousand inhabitants, and has been ever since the year 1900 and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city, at an election held for that purpose on the 20th day of September, 1898, and approved by the legislature of the state aforesaid, on the 20th day of February, 1899 :

That the city council of the said city of Santa Barbara did by resolution adopted by said city council on the 19th day of September, 1907, and approved by the mayor of said city on the 20th day of September, 1907, pursuant to section eight of article XI, of the constitution of said State of California, duly proposed to the qualified electors of said city nine certain amendments to the charter of such city to be submitted to said qualified electors at a general municipal election to be held in said city on the 3rd day of December, 1907, and that the seven of said amendments ratified as hereinafter set forth were and are in words and figures following, to wit:

Amendment No. Three.

That said charter shall be amended by adding thereto immediately after section 4 of said charter a new section to be known and numbered as "scoction 4a" and to be known and read as follows:

Sec. 4a: Said city shall have the power to acquire, own, regulate, construct, maintain, operate, condemn, lease, purchase and repair wharves, docks, chutes, piers and breakwaters, and lands and appurtenances necessary therefor, on, near and in waters within its corporate limits, or contiguous thereto; and it shall have the power to fix, charge and collect tolls, wharfage, and dockage for the use of any and all of such structures. Additional
power of
city.

Amendment No. Four.

That said charter shall be amended by adding thereto immediately before section 5 of said charter a new section to be known and numbered as "section 4b" and to be known and read as follows:—

Sec. 4b: Whenever the legislative body of said city shall by ordinance declare that the public interest and necessity demand and require the acquisition by and through proceedings in eminent domain of any property, structure or structures mentioned in section 4a of this charter (except such of said property and structures as may be owned and used by the United States of America or the State of California) and by said ordinance direct the institution of such proceedings, said ordinance shall in such proceeding be conclusive evidence and determination that the use for which said condemnation is sought is a more necessary public use than that to which the property sought to be condemned is then being devoted and also that the property so sought to be condemned is necessary for the public use for which such condemnation is sought. Eminent
domain.

And said council does hereby submit to the qualified electors of said city the following five proposals to amend said charter each of which have been duly petitioned for in the manner required by section 8 of article XI of the constitution of this state by at least fifteen per cent of the qualified voters of said city.

Said proposals are as follows :

Amendment No. Five.

That said charter shall be amended by striking out therefrom section 26 thereof and by substituting in lieu of said section 26, a new section to be known and numbered as section 26 and to be and read as follows:

Members
of council,
qualifica-
tions of.

"Sec. 26. The seven members of the council shall be chosen at large by the vote of the electors of the city voting at the general municipal elections; and no person shall be eligible to the office who has not resided in said city for one year prior to his election and who is not a qualified elector thereof."

Amendment No. Six.

The said charter of the city of Santa Barbara shall be amended as follows:

1. By striking out therefrom section 8 of said charter and by substituting in lieu thereof as for section 8 of said charter the following:

Non-
elective
officers.

Sec. 8. The non-elective officers of said city shall consist of a chief of police, a city engineer and three commissioners of public works and three water commissioners.

2. By striking out section 19 of said charter, and substituting in lieu thereof the following, as and for said section 19 of said charter:

Compensa-
tion of
officers.

Sec. 19. The other officers and employees of the city shall receive compensation as follows: city clerk and as auditor \$100 per month, and for his compensation as assessor \$75 per month for four months each year commencing with the month of March. Chief of police \$1800 per annum. City attorney \$1200 per annum. Police judge \$1000 per annum. Treasurer \$500 per annum, and an additional compensation as tax collector of \$300 per annum, and five per cent. on all license taxes collected.

School trustees, and the trustees of the free public library and commissioners of public works and water commissioners shall receive no compensation whatever for their services as such trustees and commissioners; *provided* that the secretary of the board of education may receive a compensation for his services as such secretary, to be fixed by said board at not exceeding \$20 per month; *provided, further*, that nothing in this charter contained shall preclude the council of said city by ordinance, from authorizing any deputy city officer or officers and fixing his or her compensation; *and provided, further*, that no term of office of any deputy officer shall be created to extend beyond the term of the officer for whom he is the deputy.

By striking out all of section 123 of said charter, and inserting in lieu of said section 123 the following:

Sec. 123. There is hereby created a department of said city, to be known as the "department of public works," which shall be under the management and control of a board of three commissioners to be known as "the board of public works." Department of public works.

(a) Said commissioners shall be appointed by the mayor. Commissioners.

(b) The term of office of the members of the board of public works shall be six years. The term of office of the three members first appointed hereunder shall be reckoned from and after the first Monday of January preceding their appointment. In the appointment of the first board, the term of the commissioners shall be two, four and six years, respectively, after said date. If any vacancy occurs the mayor shall fill the same by appointment for the unexpired term. Term of office.

(c) The commissioners shall organize by electing one of their members president, who shall hold his office for one year and until his successor is elected, unless his membership upon the board sooner expires. Organization.

(d) The board shall maintain an office and prescribe office hours for the convenience of the public. It shall hold regular stated meetings at least once in each month. Meetings.

(e) The board shall appoint a secretary, not a member of the board, who shall receive an annual salary to be fixed by the board of public works, payable in equal monthly installments. He shall keep a record of all its transactions, specifying therein the name of the commissioners present at all meetings and giving the ayes and noes upon all votes. He shall post and publish all orders, resolutions, and notices, which the board shall be ordered to be posted or published, and shall perform such other duties as are herein or may be, by order of the board, imposed upon him. Secretary of board.

(f) The three members of the board of public works and the secretary thereof shall be officers of the municipality in addition to the other officers thereof provided for herein. Other duties of members.

(g) The board of public works shall appoint an inspector of streets who shall perform such duties as the board may prescribe. The person holding the office of street superintendent at the time of the first organization of the board, shall be entitled to take and hold, and shall be appointed by said board to the office of inspector of streets for a term ending on the first Monday of January, 1910. Upon the expiration of said term the board of public works shall not appoint any other general inspector, unless in their discretion they appoint some member of their own commission to serve without compensation. The salary of such inspector up to the first Monday of January, 1910, shall be the same as his salary theretofore as street superintendent. Inspector of streets.

(h) The board of public works shall appoint and employ a civil engineer of not less than five years professional experience, who shall be designated the city engineer. He shall receive a salary to be fixed by the board, and shall hold office at the pleasure of the board. *Provided, however,* that the person City engineer.

holding the office of city engineer at the time of the first organization of the board shall be entitled to take and hold, and shall be appointed by the said board to, the office of city engineer provided for therein, for a term ending on the first Monday of January, 1910. The city engineer herein provided for shall be the successor in the office of the city engineer. He shall perform all the civil engineering and surveying necessary on the prosecution of public work done under the direction or supervision of the board. He shall make such certificate and report upon the progress of such work and shall make such survey, inspection and estimates, and perform such other surveying or engineering work, as may be required by said board or by the city council. He shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law, or by ordinance, upon the city engineer.

Duties of.

Powers of board.

(i) The board of public works shall, appoint and employ and remove, superintendents, inspectors, clerks and employees in character and number as the city council shall, by ordinance from time to time prescribe, and the board shall establish all necessary rules and regulations for the exercise of the powers conferred in this article, for the government of the department of public works, and for the regulation and conduct of its officers and employees, and may require of any or all of such officers and employees, except laborers, adequate bonds for the faithful performance of their respective duties.

Other duties.

(j) The board shall, from and after the first organization thereof, be the successor in office of the street superintendent, and shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law upon said official, and the board shall perform such other duties as are herein or may be, by ordinance, imposed upon it.

By striking out all of section 124 of said charter, and inserting in lieu thereof, the following:

General powers and duties of board.

Sec. 124a. The board of public works shall have and exercise all the powers and duties that are now or may hereafter be conferred or imposed by law upon the city council relating to:

1. The advertising for, and inviting of proposals or bids for doing any work ordered by the city council to be done in or upon any streets, avenues, lanes, alleys, courts or places, or in construction of any sewer or drain, ordered by the city council in or over the right of way granted or required for such purpose.

2. The examining, considering, and declaring of such proposals or bids.

3. The awarding, letting and reletting of contracts for doing any of said work so ordered, the giving notice of such award, the rejection of proposals or bids, for doing such work, and the granting of extensions of time for the completion thereof by the contractor therefor.

4. The approval and the fixing of the amount of bond required to be given by contractors prior to, or at the time of executing contracts for such work, and the fixing of the time within which such work shall be commenced and completed.

5. The board shall also have and exercise all the powers and duties that are now or may hereafter be conferred or imposed by law upon the mayor relating to the approval of the award of contracts for any of the work mentioned in this section.

6. The board of public works shall also have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon any commission provided for by law to assess the benefits, damages and costs incident to a proposed change of grade of any public street, alley, lane or court.

(b) The president of the board of public works, shall have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon the mayor relating to the approval and fixing of the amount of bond required to be given by contractors prior to or at the time of executing contracts for such work.

President
of board,
duties of.

(c) The secretary of the board of public works shall have and exercise all the powers and duties that are now or may hereafter be conferred or imposed by law upon the city clerk or the clerk of the city council relating to:

Secretary,
duties of.

1. The receipt, care and custody of proposals or bids for doing any of the work mentioned in this section.

2. The care and custody of all checks and bonds accompanying such proposals or bids:

(d) The board of public works shall have charge, superintendence and control, under such ordinances as may from time to time be adopted by the city council.

Further
powers
and duties
of board.

1. All of the public ways, streets, avenues, lanes, alleys, places and courts now open or which may hereafter be opened in the city of Santa Barbara; of the manner of their use and occupation; of all work and improvements done in, on, over or under the same and of all excavations made in or under the same.

2. Of the design, construction, maintenance and use of all sewers, drains and storm drains of the city, and of all connections therewith.

3. Of the cleaning, sprinkling, maintenance, and lighting of all public ways, streets, avenues, lanes, alleys, places and courts.

4. Of the disposal of garbage, sewage and street refuse.

5. Of such other matters as may from time to time be assigned to it by law or ordinance.

(e) The board of public works shall have charge of the enforcement of all ordinances relating to the construction, alteration, repair, demolition or removal of buildings and structures in the city.

(f) All contracts for the performance or furnishing of labor, services, materials, or supplies required for the execution of any work or service of which the board of public works has charge, superintendence or control except public work or improvement, the cost and expenses of which are to be paid by assessment upon property in proportion to frontage or benefit, shall be let and entered into in behalf of the city by the board

Contracts.

Contracts. of public works in the following manner: Every such contract shall first be authorized by a resolution passed by a vote of a majority of the members of the council. The board shall, except in cases of urgent necessity, as hereinafter provided, within five days after the passage of the resolution authorizing such contract, cause a notice to be posted conspicuously in its office, and published once in a newspaper of general circulation, printed and published in the city of Santa Barbara, inviting sealed bids for the performance of the work or service or the furnishings or the material of supplies contemplated. Said notice shall require the bonds to be filed with the board at or before a certain hour of a day, not less than five days subsequent to the date of the posting and advertising of said notice, and said notice shall contain a general description of the work or service to be done and of the materials or supplies to be furnished, the time within which the work or delivery is to be commenced, and when to be completed, and the amount of the bond to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the board for full details and descriptions of said work, service, materials or supplies.

Said notice shall require each bid to be accompanied by cash or a check, certified by a responsible bank, payable to the order of the president of the board, for an amount not less than five per cent. of the aggregate sum of the bid, or by a satisfactory bond for the said amount and so payable, as a guarantee that the bidder will enter into the proposed contract if the same is awarded to him, and the form and manner of making bids may, in all other respects, be prescribed in said notice, and no bid shall be considered unless the same is accompanied by said check or bond and is made in the prescribed form and manner. On the day and at the hour specified in the notice inviting bids, the board shall meet and in open session examine and publicly declare the bids received and shall thereupon, or at such other time as the board may then fix, award the contract to the lowest regular responsible bidder, or shall reject all bids. The board may reject any and all bids and shall reject the bid of any person who has been delinquent or unfaithful in the performance of any former contract with the city, and shall reject all bids other than that of the lowest regular responsible bidder. Upon rejecting any bid, the board shall return to the proper person the check accompanying the rejected bids. The check accompanying the accepted bid shall be held by the secretary of the board until the contract for performing the work or service or furnishing materials or supplies proposed to be done or furnished has been entered into. If the successful bidder fails to enter into the contract, or to execute the bond required for the faithful performance thereof, within ten days after the same is awarded to him, then the certified check accompanying his bid shall be presented for payment and collected, and the amount thereof paid into the general funds of the city. Every contract entered into by the board shall first be approved as to form by the city attorney,

and shall contain detailed specifications and plans of the work or service to be done, the manner in which it is to be performed, and the quantity and kind of materials or supplies to be used or furnished, and shall refer to such specifications and plans on file in the office of the board. Said contract shall be signed on behalf of the city by the president or by two of the members of the board and by the other contracting party. The contractor shall enter into and deliver to the secretary of the board a bond, in the sum named in the notice inviting bids, conditioned for the faithful performance of the contract and executed by a responsible surety company or by two or more sufficient sureties approved by the board.

When any repairs, alterations, work or improvement shall be deemed of urgent necessity by the board, a contract for the performance or furnishing of the labor, materials or supplies required therefor may be made by the board in behalf of the city, in writing or otherwise, without advertising for or inviting bids; *provided*, that if the contract for the furnishing of the labor, materials or supplies so required involves an expenditure of more than five hundred dollars, the resolution of the council authorizing the same, before it takes effect, be approved by the mayor.

Urgency
work.

(g) All instruments, warrants, records, certificates, notices or other documents required to be signed or executed by the board of public works shall be signed on order of the board by the president or by two members thereof.

(h) In addition to other duties imposed upon him by this charter, or by ordinances of the council, the city engineer shall:

City
engineer.
duties of.

1. Make all surveys, inspections and estimates required by the council.

2. He shall examine all public work done under contract and report thereon to the council.

3. The board of public works shall by resolution establish fees and charges for the services to be performed by the city engineer for persons, companies and corporations, and may from time to time change the same. Said engineer shall require such fees or charges to be paid in advance for any official act or service demanded of him, and such money thus paid shall be paid in by him to the city treasurer and credited by the latter to such fund or funds as the said board may direct.

4. He shall be the custodian of and responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the city pertaining to his office and the work thereof; all of which he shall keep in proper order and condition with full index thereof and shall turn over the same to his successor. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control, as such city engineer during his term of office shall be property of the city.

(i) Upon the first appointment of a city engineer by the board of public works, organized under this charter, the term of the city engineer then holding office shall thereupon cease

and determine and the powers and duties of the city engineer shall be as in sections 123 and 124 provided.

Street
superin-
tendent.

(j) Upon the organization of a board of public works under this charter, it shall be the successor in office of the street superintendent and the term of the street superintendent then holding office shall thereupon cease and determine, and the powers and duties imposed upon the street superintendent by this charter shall thereafter be exercised and performed by the board of public works.

(k) Said commissioners of public works shall not supersede or perform any of the duties of the departments provided for by sections 115 to 122 inclusive of Article XI of this charter.

Amendment No. Seven.

That said charter shall be amended by adding thereto a new section which shall be numbered section 174a, and shall be and read as follows:

The
initiative.

Sec. 174a. The basis of the percentage hereinafter provided for any petition shall be the total number of voters registered in the city at the last preceding general election prior to the filing of said petition; and all voters registered at said general election or thereafter shall be qualified to sign the petition herein provided for.

Petitions.

Upon presentation to the city council of a petition or petitions signed by the qualified electors of the city, in number equal to ten per cent of said registration, asking for submission to the electors of a measure fully set forth in said petition or petitions, being a measure that the city council might itself adopt, it must either enact such measure without alteration, or submit the same to the electorate at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions. But if such petition or petitions are signed by qualified electors in number equal to twenty per cent of said registration, then such measure if not enacted by the city council must be submitted to the electorate at a special election to be called within sixty days from the filing of such petition or petitions. If such proposed measure is a measure that the city council might adopt, except for the fact that it involves the repeal or amendment of a measure adopted by the electorate, as herein provided, and if in such case said petition or petitions are signed by qualified electors in number equal to twenty-five per cent of said registration, then such proposed measure must be submitted to the electors of the city at the next regular city election, occurring subsequent to sixty days after the filing of said petition or petitions. The method of signing and presenting petitions provided for herein shall be as follows:

Method of
presenting
petitions.

The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge

and belief, each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within twenty days from the date of filing such petition in his office, the city clerk shall examine and from the great register and affidavits of registration ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary the city council shall allow him extra help for the purpose, and he shall attach to said petition his certificate, showing the result of said examination. Each signature whose genuineness is not called in question by the sworn affidavit of the owner thereof shall be assumed to be genuine. If, by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall within twenty days after such amendment, make like examinations of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found sufficient, the clerk shall submit the same to the city council without delay. Any number of proposed measures, may be voted upon at the same election in accordance with the provisions of this section; *provided* that there shall not be held under this section more than one special election in any period of six months. Whenever any measure is required or authorized by this charter to be submitted to the electors of the city, at any election, the city clerk shall cause the measure to be printed, and he shall enclose a printed copy thereof in an envelope and mail the same to each voter, at least ten days prior to the election, but the city council may order such measure to be printed in the official newspaper of the city, and published in a like manner as ordinances adopted by the city council are required to be published; and may order that such publication shall take the place of the printing and mailing of the measure as first above provided.

Duty of city clerk.

Publication of measure proposed.

Ordinances and measures in connection with local improvements, the expenses whereof are defrayed by special local assessments, shall not come within the operation of this section.

Local improvements.

If a majority of votes cast on any ordinance or measure submitted to the electorate, as provided in this section, shall be in favor thereof it shall go into effect as a valid and binding ordinance or measure of the city, ten days after the official count shall be determined; otherwise such ordinance or measure shall be rejected. No ordinance or measure approved by the electorate, under the provisions of this section shall be subject to veto, and any amendment or repeal of such ordinance by the city council shall be subject to the referendum provided in this section.

Effect of ordinance by electorate.

In the event action by the council in calling any election as aforesaid shall for any reason be delayed, then such election may be called by the council to be held not less than thirty nor more than forty days from the date of the ordinance calling the same. If the provisions of two or more measures,

approved and adopted at the same election under the provisions of this charter, conflict, then the measure receiving the highest affirmative vote shall control.

Amendment No. Eight.

That said charter shall be amended by inserting therein a new section to be numbered section 174*b* which shall read as follows:

Basis of
percentage
for
petition.

Sec. 174*b*. The basis of the percentage hereinafter provided for any petition shall be the total number of voters registered in the city at the last preceding general election prior to the filing of said petition; and all voters registered at said general election or thereafter shall be qualified to sign the petition herein provided for.

Any measure that the city council, or the electorate of the city as herein provided, has authority to adopt, the city council may of its own motion submit to a vote of its constituent electors at a general or special election.

Emer-
gency
measures.

Except as herein provided, no penal ordinance or measure, no ordinance or measure granting any franchise or privilege, and no ordinance or measure making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessment, and contracts where the subject-matter involved is of less value than \$1000) passed by the city council, shall go into effect in less than thirty days after its final passage. But ordinances and contracts declared by the city council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, passed by a three-fourths vote of the city council, and not obligating the city for a longer period of time than one year, may go into effect at the will of the city council, or as otherwise provided by law. If within said thirty days a petition or petitions signed by qualified electors of the city in number equal to ten per cent. of said registration, is filed with the city clerk, asking that any penal ordinance or measure, any ordinance or measure granting any franchise or privilege, or making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessment, and contracts where the subject-matter involved is of less value than \$1,000) adopted by the city council be submitted to the electorate, then such ordinance or measure must either be repealed or submitted to the electors for approval or rejection at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions, or at a special election called prior to such regular city election; and if such ordinance or measure has not gone into effect before the filing of such petition or petitions, and said petition or petitions are signed by qualified electors of the city in number equal to fifteen per cent. of said registration, then such ordinance or measure shall not go into effect until and unless adopted at such election, and no ordinance or measure once so submitted shall be again so sub-

Petitions
for penal
ord-
nances.

mitted, except by a vote of the city council, or on a petition signed by twenty-five per cent. of said registration.

The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within twenty days from the date of the filing such petition in his office, the city clerk shall examine and from the great register and affidavits of registration, ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary the city council shall allow him extra help for the purpose, and he shall attach to said petition his certificate, showing the result of said examination. Each signature whose genuineness is not called in question by the sworn affidavit of its owner thereof shall be assumed to be genuine. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate.

Signatures
to petition.

Duty of
city clerk.

The clerk shall within twenty days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient it shall be returned to the person filing the same, without prejudice, however to the filing of a new petition to the same effect. If the petition shall be found sufficient, the clerk shall submit the same to the city council without delay. Any number of proposed measures may be voted upon at the same election, in accordance with the provisions of this section, *provided* that there shall not be held under this section more than one special election in any period of six months.

Whenever any measure is required or authorized by this charter to be submitted to the electors of the city, at any election, the city clerk shall cause the measure to be printed, and he shall enclose a printed copy thereof in an envelope and mail the same to each voter, at least ten days prior to the election, but the city council may order such a measure to be printed in the official newspaper of the city, and published in a like manner as ordinances adopted by the city council are required to be published; and may order that such publication shall take the place of the printing and mailing of the measure as first above provided.

Publication
of
proposed
measure.

If a majority of the votes cast on any ordinance or measure referred as provided in this section to the electors of the city; shall be in favor thereof, it shall if not already in effect, go into effect as a valid and binding ordinance or measure of the city, ten days after the official count shall be determined, otherwise such ordinance or measure shall be repealed or rejected; such repeal shall take effect ten days after the official count shall be determined. No ordinance or measure approved by the electorate under the provisions of this section shall be sub-

Not
subject to
veto.

ject to veto; and any amendment or repeal of such ordinance by the city council shall be subject to the referendum provided in this section. In the event action by the council in calling any election as aforesaid shall for any reason be delayed, then such election may be called by the council to be held not less than thirty nor more than forty days from date of ordinance calling the same.

If the provisions of two or more measures approved and adopted at the same election, under the provisions of this charter, conflict, then the measure receiving the highest affirmative vote shall control.

Amendment No. Nine.

That said charter shall be amended by adding thereto a new section which shall be numbered section 174c and which shall be and read as follows:

The recall.

Procedure to remove elective officer.

Sec. 174c. The holder of any elective office may be removed at any time by the electors entitled to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least twenty-five per cent of the entire vote for all candidates for office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be addressed to the council and filed with the city clerk; and said petition shall contain a general statement of the grounds for which the removal is sought, which statement is intended solely for the information of the electors, and the sufficiency of which shall not be open to review. The signatures to the petition need not at all be appended to one paper, but each signer shall add to his signature his place of residence, giving street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief, each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Every signature appended to any of the papers forming such petition shall be deemed and treated by the city clerk for the purpose of his examination of such petition herein provided, as the genuine signature of the person whose name it purports to be, unless such person, during the period of such examination, files with the city clerk an affidavit to the contrary. Within ten days from the date of filing such petition the city clerk shall examine and ascertain from the great register or from the affidavits or duplicate affidavits of registration, or from either, whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate stating that he finds the petition to be sufficient or insufficient, as the case may be. If, by the

Duty of city clerk.

clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay, and the council shall thereupon order and fix a date for holding the said election not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

Amended
petition.

The sufficiency or insufficiency of said petition shall, except as to the grounds for removal therein stated, be subject to judicial review, but not to review by the council. In the event action by the council in calling said election shall for any reason be delayed, then such election may be called by the council to be held not less than thirty nor more than forty days from the date of the ordinance calling the same.

The city council shall make or cause to be made publication of notice, and all arrangements for holding of such election and the same shall be conducted, returned and result thereof declared, in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

Notice of
election.

That the said nine proposed amendments were, and each of them was, published for twenty days in a daily newspaper printed and published in said city and of general circulation therein, to wit, "The Morning Press," and that said publication ended on the 25th day of October, 1907.

Certificate
of mayor
and city
clerk.

That thereafter the city council of said city did, by ordinance No. 594, which was duly adopted on the 7th day of November, 1907, and approved by the mayor on the 8th day of November, 1907, order the holding of a general municipal election in said city of Santa Barbara, on the 3d day of December, 1907, which last named date was at least forty days after the publication of said proposed amendments which had been published twenty days as aforesaid, and did provide in said ordinance for the submission of said nine proposed amendments, herein above set forth, to the city charter to the quali-

Certificate
of mayor
and city
clerk.

fied electors of said city for their ratification at said general municipal election, which said ordinance was passed and approved as aforesaid and was published as required by law and the charter of said city.

That at said election a majority of the qualified electors voting thereon voted in favor of the ratification and did ratify each and all of said nine proposed amendments to the charter of said city of Santa Barbara, except such proposed amendments Numbers One and Two; and that said proposed amendments Numbers One and Two did not receive a majority of the votes of the qualified electors voting thereon in favor of the ratification of said proposed amendments at said election:

That the city council of said city of Santa Barbara, at a special meeting, and within ten days after said election, and within the time and in the manner required by law and the charter of said city, duly canvassed the returns of said election, and duly found, determined and declared that a majority of such qualified electors voting thereon had voted for and ratified each and all of the said nine proposed amendments to said charter, except the said Nos. One and Two.

We do further hereby certify and declare that the copy of said proposed amendments to the charter of the city of Santa Barbara hereinbefore set forth is a full, true and correct copy of the said seven certain proposed amendments to the charter of the city of Santa Barbara, which were, in the manner prescribed by law, submitted to the qualified electors of said city for their ratification and by them ratified at the general municipal election duly called and held in said city on the 3rd day of December, 1907.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed the corporate seal of the city of Santa Barbara, this 8th day of January, 1909.

ELMER J. BOESEKE,
Mayor of the City of Santa Barbara.

ALFRED DAVIS,
City Clerk of the City of Santa Barbara.

AND WHEREAS, The said seven amendments so ratified as hereinbefore set forth have been duly presented and submitted to the legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with said section 8 of article XI, of the constitution of the State of California; now, therefore, be it

Resolved by the senate of said State of California, the assembly concurring, (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein) that the said seven amendments to the said charter of said city of Santa Barbara, hereinbefore set forth as presented, and as submitted to, and adopted and ratified by the qualified electors of said city be, and the same are hereby approved as a whole for, and as amendments to the said charter of the city of Santa Barbara.

Approval
by legisla-
ture.

CHAPTER 8.

Senate Joint Resolution No. 5, relative to a bill in congress appropriating money for the improvement of the entrance to Humboldt bay, California.

[Adopted February 4, 1900.]

WHEREAS, There is pending in the congress of the United States a bill appropriating the sum of one million thirty-seven thousand and four hundred dollars, to be paid out of any money in the treasury not otherwise appropriated, to be immediately available and to be expended under the direction of the secretary of war and the supervision of the chief of engineers, for improving the entrance to Humboldt bay, California, in accordance with the project reported in house document numbered nine hundred and fifty, sixtieth congress, first session; therefore, be it

Relative to improvement of Humboldt bay.

Resolved by the senate, the assembly concurring, That our senators in congress be instructed and our members in congress be requested to use all honorable means to secure the prompt passage by congress of the bill referred to in the preamble of this resolution.

CHAPTER 9.

Senate Joint Resolution No. 13.

[Adopted February 4, 1900.]

WHEREAS, Under the National Food and Drugs Act of June 30th, 1906, known as the "Pure Food Law," a decision was rendered by the department of agriculture designated as "Food Inspection Decision, No. 76," limiting the amount of sulphur dioxid in dried fruit for interstate shipment to 35-1000 of 1 per cent; and

Sulphured fruits.

WHEREAS, It was found impossible on the part of the California growers and shippers of dried fruit to produce a sound and merchantable product for such interstate shipment and keep the same within the requirements of said food inspection decision; and

WHEREAS, Said sulphured dried fruits, such as peaches, pears, apricots, and apples, have for many years been prepared by this method (known as sulphuring) without injury to the product or to the consumer and the most eminent scientists and medical authorities have declared such sulphured fruit to be non-injurious and healthful; and

WHEREAS, The president of the United States has appointed a national commission composed of eminent scientific men to

investigate and report on this question and pending such report, said food inspection decision, No. 76, stands suspended; and

WHEREAS, There is pending and to be introduced in the legislatures now in session and to convene in other states, a bill prepared by the association of state and national food and dairy departments, which bill, should it become a law in any state, would prohibit the sale therein of any food product containing sulphur dioxide; now, therefore, be it

Relative to
legislation
against
sulphur-
ing.

Resolved, by the senate and assembly jointly, That it is believed that such an enactment passed in any state at this time is unnecessary and premature and that the result of the adoption of such law would work an incalculable hardship upon and be an injustice to the dried fruit industry of California and the trade of the United States and that such legislation should, at least, be deferred until the said national referee commission shall have rendered its report; and be it further

Resolved, That copies of this resolution be forthwith transmitted to the governors and legislative bodies of all states where the legislatures are now in session or about to convene, asking their earnest consideration lest they—before a full hearing and decision is rendered—impair and destroy an industry that supports and sustains hundreds of thousands of persons in every portion of the United States.

CHAPTER 10.

Senate Concurrent Resolution No. 3, approving three certain amendments of the charter of the city of San Bernardino, county of San Bernardino, State of California voted for and ratified by the electors of said city of San Bernardino, at a special election held therein for that purpose on the twenty-eighth day of December, 1908.

[Adopted February 16, 1909.]

Amend-
ments to
charter of
city of San
Bernar-
dino.

Preamble.

WHEREAS, The city of San Bernardino, a municipal corporation of the county of San Bernardino, State of California now is and was at all times herein referred to, a city containing a population of more than three thousand five hundred inhabitants, and has been, since the year 1905, and now is organized and acting under a freeholders' charter adopted under and pursuant to section eight of article eleven of the constitution of the State of California which charter was duly ratified by a majority of the qualified electors of said city, at a special election held for that purpose on the 30th day of July, 1904, and approved by the legislature of the State of California, on the 30th day of January, 1905 (Stat. 1905, p. 940); and,

WHEREAS, The mayor and common council of the city of San Bernardino did by ordinance number 399, adopted by said mayor and common council on the 19th day of October, 1908, and approved by the mayor of said city on the 19th day of October, 1908, and pursuant to section eight of article eleven of the constitution of the State of California, duly propose to the qualified electors of said city certain amendments to the charter of said city to be submitted to said qualified electors at a special municipal election to be held for that purpose, in said city, on the 28th day of December, 1908; and, Preamble.

WHEREAS, Said proposed amendments were, and each of them was published for twenty days, in a daily newspaper printed and published in said city and of general circulation therein, to wit, The Evening Index said publication ending on the 16th day of October, 1908; and,

WHEREAS, The mayor and common council of said city did, by an ordinance known as Ordinance No. 401, which was duly adopted on the 23rd day of November, 1908, call and order the holding of a special election in said city of San Bernardino, on the 28th day of December, 1908, (at least forty days after the publication of said proposed amendments for twenty days, in said daily newspaper of general circulation in said city of San Bernardino, to wit: The Evening Index) and did provide in said ordinance for the submission of said proposed amendments to the said charter at said special election, which said ordinance was approved by the mayor of said city on the 23rd day of November, 1908, and was published, for at least ten days prior to the time appointed for the holding of said election, in "The Evening Index," a daily newspaper printed and published in said city; and,

WHEREAS, At said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify three of said proposed amendments to said charter; and,

WHEREAS, The common council of said city of San Bernardino, pursuant to said charter did, at a special meeting thereof, held at 7.30 o'clock P. M. on the second day after said election, duly canvass the returns of said election and duly found, determined, and declared that a majority of such qualified electors voting thereon, had voted for and ratified three of said proposed amendments to said charter; and,

WHEREAS, Said three amendments to said charter, so ratified by a majority of the qualified electors of said city voting at said election are in words and figures as follows, to wit:

It is hereby proposed that subdivision thirteen of section 195 of said charter be amended so as to read as follows:

Thirteenth—In their discretion to admit nonresident school children to any of the departments of the public schools of the city, upon such terms and conditions as the board may deem just.

Non-
resident
school
children

It is hereby proposed that Section 182 of the charter of said city be amended so as to read as follows, to wit:—

Chief of
police,
powers of.

Section 182. On or after twelve o'clock noon of the second Monday in May next succeeding his election the mayor shall appoint a chief of police, subject to the confirmation of the common council. The chief of police for the suppression of any riot, public tumult, disturbance of the public peace, or any organized resistance against the laws or public authorities in the lawful execution of their functions, shall have the powers that are now or that may hereafter be conferred upon sheriffs by the laws of the state, and shall in all respects be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers and watchmen of the city, and every citizen shall render aid when required for the arrest of offenders and maintenance of public order. He shall execute and return all process issued and directed to him by any legal authority; and shall enforce all ordinances of the city, and arrest all persons guilty of the violation of the same. He shall prosecute before the competent tribunal, all breaches or violations of city ordinances.

Duties.

City
prisoners.

He shall also have charge of the city prison and prisoners confined therein, and of all those who are sentenced to labor upon the public streets of the city, or public works of the city, and shall see that all orders and sentences in reference thereto are fully executed and complied with, and shall perform such other duties as may be prescribed by the mayor and common council.

Shall be
ex officio
tax
collector.

The chief of police shall be ex officio tax collector, ex officio license tax collector, and a member of the board of health. He shall collect all taxes and license taxes as prescribed by law and the ordinances of the city. As tax collector and license collector the mayor and common council shall have power to fix extra compensation for the chief of police not to exceed one per cent of the amount actually collected, which shall be in addition to his salary otherwise fixed in this charter.

It is hereby proposed to amend the charter of said city by adding a new section thereto to be known as section 238a and to read as follows:

Public
work:
eight
hours to
constitute
day; other
pro-
visions.

Section 238a. The time of service of any laborer, workman, or mechanic employed in or upon any of the public works of the city of San Bernardino, or in or upon any work done by or for said city is hereby limited and restricted to eight hours during any one calendar day and no person shall be employed in or upon any such works except he be a native born or naturalized citizen of the United States, and the minimum wages of laborers employed in the execution of any such works shall be \$2.00 per day; and there shall be inserted in every contract entered into for any such work a stipulation that no person shall be employed in the execution of such contract who is not a native born or naturalized citizen of the United States, and that in the performance of such work eight hours shall be the maximum number of hours that any laborer, workman or mechanic shall be required or permitted to work on any calendar day, and that \$2.00 per day shall be the minimum wages paid to any person employed by the contractor

in the execution of his contract; *provided*, that this section shall not apply to cases of extraordinary emergency, caused by fire, flood or danger to life or property, or to work upon any public, military or naval defenses or works in time of war. Emergency work.

STATE OF CALIFORNIA.

COUNTY OF SAN BERNARDINO, }
CITY OF SAN BERNARDINO. } ss.

This is to certify that we, J. J. Hanford, mayor and Harry Allison clerk of said city of San Bernardino, have compared the foregoing proposed and ratified amendments to the charter of the city of San Bernardino with the original ordinance proposing such amendments and submitting the same to the qualified electors of said city at a special municipal election called for that purpose on the 28th day of December, 1908 and find that the foregoing is a full, true and correct and exact copy thereof and we further certify that all facts set forth in the preamble preceding said amendments are, and each of them is true. Certificate of mayor and city clerk.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the official seal of the city of San Bernardino, to be hereto attached this 20th day of January, 1908.

[SEAL]

J. J. HANFORD,

Mayor of the City of San Bernardino.

Attest HARRY ALLISON,

City Clerk.

Now, therefore, be it

Resolved by the senate of the State of California the assembly thereof concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein) that the said amendments to the charter of the said city of San Bernardino hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of said city be and the same are hereby approved as a whole for and as amendments to the charter of the city of San Bernardino. Approval by legislature.

CHAPTER 11.

Senate Concurrent Resolution No. 5.

[Adopted February 16, 1909.]

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:

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 Joint rules of senate and assembly.

Joint
rules.

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.

4. Joint resolutions are those which relate to matters connected with the federal government. All other resolutions relating to matters to be treated by both houses of the legislature are concurrent resolutions.

JOINT RESOLUTIONS TREATED AS BILLS.

5. All joint resolutions shall be treated in all respects as bills; except that all joint resolutions shall be read but one time in each house.

AMENDMENTS TO AMENDED BILLS MUST BE ATTACHED.

6. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, such amendment or amendments shall be attached to the bill or resolution so amended, and endorsed "Adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be endorsed "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.

SPECIAL FILE.

8. After the 4th day of February, 1909, the senate and assembly shall adopt and provide a special file upon which shall be placed: In the senate only assembly bills that have passed the assembly; and in the assembly, only senate bills that have passed the senate. Such special file shall be taken up at two o'clock P. M., of each day, and be considered at least one hour and a half after being so taken up. This rule shall not be

suspended in either house except by a three-fourths vote of ^{Joint} such house. _{rules.}

BILLS NOT TO BE PRINTED FOR ENGROSSMENT UNLESS AMENDED.

9. Unless bills have been amended they shall not be again printed for engrossment, but the engrossing clerk shall use a copy or original printed bill in an engrossed bill cover, and report same back immediately after comparing same.

AFTER A BILL HAS BEEN PASSED BY THE SENATE OR ASSEMBLY.

10. When a bill (if it be a senate bill) has been received from the senate by the assembly, after its passage, or (if it be an assembly bill) has been received from the assembly by the senate, after its passage, it shall be taken up by the senate or assembly, as the case may be, under the regular order of business ("Senate Messages" or "Assembly Messages"), read the first time, and shall then be assigned to the proper committee, who shall act upon the same as soon as practicable, and report the same back to the senate or assembly forthwith, and the chairman of each committee is charged with the observance of this rule; *provided*, that the senate or the assembly may, at any time, order such bill reported back from any committee by a majority vote.

TO CONCUR OR REFUSE TO CONCUR IN AMENDMENTS.

11. In case the senate amend and pass an assembly bill, or the assembly amend and pass a senate bill, the senate (if it be a senate bill) or the assembly (if it be an assembly bill) must either "concur" or "refuse to concur" in the amendments.

WHEN AMENDMENTS ARE CONCURRED IN.

12. If the senate concur (if it be a senate bill), or the assembly concur (if it be an assembly bill), the secretary or clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

WHEN SENATE OR ASSEMBLY REFUSE TO CONCUR.

13. If the senate refuse to concur (if it be a senate bill), or the assembly refuse to concur (if it be an assembly bill), the secretary or clerk shall notify the house making the amendments of the action taken, and ask that they recede from their amendments. If they refuse to recede, a committee on conference shall be appointed, consisting of six members, three to be appointed by the president of the senate, and three by the speaker of the assembly. The committee on conference shall report to both the senate and assembly.

COMMITTEE ON CONFERENCE.

14. In every case of an amendment of a bill agreed to in one house and dissented from in the other, if either house shall request a conference and appoint a committee to confer, the

Joint
rules.

other house shall appoint a like committee; and such committee shall meet at a convenient hour to be agreed upon by the respective committees.

COMMITTEE ON FREE CONFERENCE.

15. If the committee on conference fail to agree, or either the senate or assembly refuse to adopt the report of the committee, it shall then be in order to appoint a committee on free conference.

A committee on free conference shall consist of six members, to be appointed in the same manner as a committee on conference.

The committee on free conference are hereby empowered to suggest in their report any new amendments which they may adopt as a committee, and such amendments made by such committee shall be attached to the bill.

The report of the committee on free conference shall not be subject to amendment in either house, and in case of non-agreement no further proceedings shall be had.

WHEN CONFERENCE COMMITTEE REPORT IS IN ORDER.

The presentation of report of committee on conference or free conference shall always be in order, except when the journal is being read, or a question of order or a motion to adjourn is pending, or while the senate or assembly is dividing, or during roll call; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

MESSAGES MUST BE ANNOUNCED BY THE ASSISTANT SERGEANT-AT-ARMS.

17. When a message shall be sent from either house it shall be announced at the door by the assistant sergeant-at-arms, and shall be respectfully communicated to the chair by the person by whom it may be sent.

SECRETARY, CLERK, ETC., TO CARRY MESSAGES.

18. Messages shall be sent by the secretary, clerk, or by such person as a sense of propriety of each house may determine to be proper.

NOTICES TO BE ON PAPER, UNDER PROPER SIGNATURE.

19. Notice of the action of either house to the other shall be on paper, and under the signature of the secretary or clerk of the house from which such notice is to be conveyed.

ENROLLED BILLS TO RECEIVE SIGNATURE OF PROPER OFFICER.

20. After a bill shall have passed both houses, it shall be duly enrolled and carefully compared by the enrolling clerk and enrolling committee of the assembly or of the senate, as

the bill may be originated, and shall first receive the signature of the presiding officer and clerk or secretary of the house in which it emanated before it shall be presented to the governor of the state. Joint rules.

ENROLLING COMMITTEE TO COMPARE.

21. When bills are enrolled they shall be reëxamined by the enrolling committee of the house in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two houses, and, correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the house in which the bill originated, stating by whom such bill was examined.

PRESIDENT AND SPEAKER TO SIGN BILLS.

22. After examination and report, each bill shall be signed in the respective houses, first by the speaker of the assembly, then by the president of the senate.

ENROLLING COMMITTEE TO PRESENT BILLS TO GOVERNOR.

23. After a bill shall have been thus signed in each house, it shall be presented by the enrolling committee of the house in which it originated to the governor of the state for his approval (it being first 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.

24. There shall be printed daily, by both the senate and the assembly, a history of all bills, joint and concurrent resolutions, and constitutional amendments, which shall show the action taken by the house up to the day preceding the publication of such history. A regular form shall be prescribed, and no other form shall be used.

SECRETARY AND CLERK TO KEEP REGISTER.

25. The secretary of the senate, and clerk of the assembly, shall keep a register in which shall be recorded every action taken by the senate and assembly on every bill, concurrent or joint resolution, or constitutional amendment.

SECRETARY AND CLERK SHALL ENDORSE BILLS.

26. 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.

27. An adjournment *sine die* shall only be made by concurrent resolution.

DISPENSING WITH JOINT RULES.

Joint
rules.

28. 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 shall 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 12.

Assembly Joint Resolution No. 6, relating to irrigation by the United States reclamation service, in California.

[Adopted February 18, 1909.]

Preamble.

WHEREAS, Through the sale of public lands in this state, California contributes large amounts to the funds of the United States reclamation service; and

WHEREAS, California possesses many undeveloped irrigation projects, which, when constructed, will place large areas of extremely fertile lands under irrigation, thereby greatly increasing the population, wealth and productive capacity of the state and nation; and

WHEREAS, The highest possible value and productive possibility of a large proportion of the agricultural lands of this state can be brought about only by means of irrigation; and

WHEREAS, Many of the undeveloped irrigation projects in California are of such magnitude as to entail an expense that makes the construction of such systems beyond the reach and capacity of private individuals or corporations, therefore be it

Favoring
further
irrigation
projects in
California.

Resolved by the senate and assembly of the State of California, jointly, That we favor the construction of further irrigation projects in this state by the United States reclamation service, and that we respectfully and earnestly request of the honorable secretary of the interior and the honorable director of the United States reclamation service that further irrigation units or projects be located and constructed within this state; and be it further

Resolved. That upon the passage of this joint resolution, the chief clerk of the assembly be directed to forward a copy thereof to the Honorable James R. Garfield, secretary of the interior, and to the Honorable F. H. Newell, director of the United States reclamation service, urging them to carry out the provisions of this resolution.

CHAPTER 13.

Senate Concurrent Resolution No. 6, approving the charter of the city of Palo Alto, State of California, and the additional proposition submitted therewith, voted for and ratified by the qualified voters of said town of Palo Alto at a special municipal election held therein for that purpose on the 21st day of January, 1909.

[Adopted February 20, 1909.]

WHEREAS, The town of Palo Alto, a municipal corporation of the county of Santa Clara, State of California, now is and was at all the times herein referred to a city containing a population of more than three thousand five hundred inhabitants; and

Charter of
the city of
Palo Alto.
Preamble.

WHEREAS, At a special municipal election duly held in said town on the 24th day of August, A. D. 1908, under and in accordance with the laws and with the provisions of section eight of article eleven of the Constitution of the said State of California, a board of fifteen freeholders, duly qualified, was elected in and by said town, by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, in accordance with law, and within ninety days after said election, prepare and propose a charter for the government of the said city of Palo Alto; and

WHEREAS, Said board of freeholders did at the same time and place prepare and propose with said proposed charter the following additional proposition I, article X alcoholic liquors; and

WHEREAS, The said proposed charter and the said additional proposition were, on the 20th day of November, A. D. 1908, signed in duplicate by the members of said board of freeholders, and one copy thereof was, on the 21st day of November, A. D. 1908, duly returned and filed with the president of the board of town trustees of the town of Palo Alto, and the other copy thereof was duly returned and filed with and in the office of the county recorder of said county of Santa Clara; and

WHEREAS, Such proposed charter and said additional proposition were thereafter published in the Palo Alto Daily Times, a daily newspaper of general circulation in said town of Palo Alto, for a period of twenty days and more, the first publication thereof having been made within twenty days after the completion of said proposed charter and said additional proposition; and

WHEREAS, Said proposed charter and said additional proposition were within thirty days after the completion of said publication, submitted by the board of town trustees of the town of Palo Alto, to the qualified voters of said town at a special municipal election previously duly called and therein held on the 21st day of January, 1909; and

Preamble.

WHEREAS, At said last mentioned special municipal election a majority of said qualified electors of said town voting at such special municipal election, voted for and in favor of the ratification of such proposed charter as proposed as a whole, and also voted in favor of the ratification of the said additional proposition; and

WHEREAS, Said board of town trustees of the town of Palo Alto, after canvassing said returns, duly found and declared that the majority of said qualified electors voting at such special municipal election had voted for ratifying said proposed charter and had voted in favor of and for ratifying said additional proposition; and

WHEREAS, The same is now submitted to the legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with section eight of article eleven of the constitution of the State of California; and

WHEREAS, Said proposed charter and said additional proposition are in the words and figures following, to wit:

**CHARTER PREPARED AND PROPOSED FOR THE
CITY OF PALO ALTO BY THE BOARD OF FREE-
HOLDERS, ELECTED ON THE TWENTY-FOURTH
DAY OF AUGUST, A. D. 1908.**

CHARTER OF THE CITY OF PALO ALTO.

ARTICLE I.

BOUNDARIES OF THE CITY.

Boundaries of city.

The boundaries of the city of Palo Alto shall be as follows:

All that certain land situated in the county of Santa Clara, State of California, included in the townsite map of the town of Palo Alto (formerly University Park) as laid down and designated upon a map of said town filed by Timothy Hopkins on the 27th day of February, A. D. 1889, in the office of the county recorder of said Santa Clara county, in book "D" of maps, page 69, and the proposed boundaries of the said municipal corporation are the boundaries of the said University Park (now Palo Alto) as set forth and particularly described upon said map, to wit:

Commencing at the point of intersection of the center line of the San Francisquito creek with the northeasterly line of the right of way of the Southern Pacific Railroad; thence southeasterly along said northeasterly line of said right of way of the Southern Pacific Railroad to the northwesterly line of the Embarcadero road; thence northeasterly along said line of the Embarcadero road to the easterly line of block number one hundred eight (108) as designated upon said map; thence northerly along said easterly line of said block number 108 and the easterly line of block number 109 as laid down upon said map to the northerly line of block number 109:

thence westerly along the northerly line of blocks numbers 109, 106, 105, 102, and 101 as laid down on said map to a point on the said northerly boundary line of block 101, being upon an extension southerly of the easterly lines of blocks numbers 96 and 97 as laid down upon said map; thence northerly along the easterly lines of blocks numbers 97 and 96 aforesaid to the northerly line of a road (now known as Channing lane); thence westerly along the northerly line of said road as laid down on said map and parallel to the northerly lines of blocks numbers 95 and 87 to the northeasterly line of Guinda street as laid down on said map; thence along said line of Guinda street northwesterly to the easterly line of block number 83 as laid down on said map; thence northerly along the easterly lines of blocks numbers 83, 84, 85, and letters "H" and "G" as laid down on said map to the center line of the San Francisco creek; thence southwesterly meandering the center line of said creek to the point of commencement.

SEC. 2. The boundaries above described may be altered, and the territory embraced therein may be added to or diminished in accordance with the laws of the State of California governing the annexation and exclusion of territory by municipalities.

May be altered.

ARTICLE II.

POWERS.

The city of Palo Alto shall have and exercise the following powers:

Powers of city.

1. To have perpetual succession.

Succession.

2. To have and use a corporate seal and alter it at pleasure.

Seal.

3. To sue and to be sued in all courts and places, and in all actions and proceedings whatsoever.

To sue.

4. To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description, both within and without the limits of said city, and to control and dispose of the same for the public benefit.

Hold property.

5. To receive bequests, devises and donations of property of every kind, either absolutely or in trust for any purpose, and to do all acts necessary to carry out the purposes of such bequests, devises and donations, and to manage, control, sell or otherwise dispose of such property in accordance with the terms of such bequests, devises or donations.

Receive bequests.

6. To exercise police powers and make all necessary police and sanitary regulations, and to adopt ordinances and prescribe penalties for the violation thereof.

Police powers.

7. To levy and collect taxes and assessments, impose license fees for revenue or regulation, and provide all means for raising the revenue necessary for the city.

Taxes.

8. To borrow money, incur municipal indebtedness and provide for the issuance of bonds or other evidences of such indebtedness.

Borrow money.

9. To acquire, construct, maintain and operate all necessary works for the supplying of the city and its inhabitants with

Public utilities.

water, light, heat, power, telegraphic and telephonic communication, and for the conveyance of passengers and freight over, under and upon public streets and rights of way secured therefor; to fix rates for all commodities furnished or services rendered, and to dispose of commodities produced or render service in connection with such works outside of the boundaries of said city.

Improve
water
ways.

10. To improve the rivers, streams, bays, inlets and channels flowing through the city or adjoining the same; to widen, straighten and deepen the channels thereof, and remove obstructions therefrom; to control and improve the water front of the city; to construct and maintain embankments and other works to protect the city from overflow; and to acquire, own, construct, maintain, and operate on any lands bordering on any navigable bay, inlet, river, creek, slough or arm of the sea, within the limits of the city or contiguous thereto, wharves, chutes, piers, breakwaters, bath houses and life saving stations.

Streets
and
sewers.

11. To establish and change the grade and lay out, open, extend, widen, change, vacate, pave, repave, or otherwise improve all public streets and highways and public places, construct sewers, drains and culverts, to plant trees, construct parking, and to remove shrubs and weeds; to levy special assessments to defray the whole or any part of the cost of such works or improvements. Also to provide for the repair, cleaning and sprinkling of such streets and public places.

Sewage.

12. To acquire, construct and maintain all works necessary for the disposition of sewage, garbage and waste; and to define and abate nuisances.

Hospital.

13. To establish and maintain hospitals, indigent homes, and all other charitable institutions.

Parks.

14. To acquire and maintain parks, playgrounds, theatres and places for recreation, and to establish boulevards and regulate traffic thereon.

Markets.

15. To acquire and maintain markets, baths, and public halls.

Schools.

16. To establish and maintain schools, libraries, museums, gymnasiums, and to do all things to promote the education of the people.

Fire de-
partment.

17. To equip and maintain a fire department and to make all necessary regulations for the prevention of fires.

Public
buildings.

18. To acquire, construct and maintain all buildings necessary for the transaction of public business.

Eminent
domain.

19. To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind for any public use.

Use of
streets.

20. To grant permits to use the streets or public property, revocable at any time without notice.

Fran-
chises.

21. To regulate and establish rates and charges to be imposed and collected by any person or corporation for commodities or services rendered under or in connection with any franchise, permit or license heretofore or hereafter granted by the town or city or other authority.

22. To exercise such other powers as are now or may be hereafter granted by the legislature to the municipalities within the state unless the exercise of such powers is contrary to the provisions of this charter. Other powers.

23. To exercise all other needful powers for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not.

24. Lastly, this grant of power is to be liberally construed for the purpose of securing the well being of the municipality and its inhabitants.

ARTICLE III.

COUNCIL.

SECTION 1. All powers herein granted to and vested in the city of Palo Alto shall, except as herein otherwise provided, be exercised by a council to be designated the council of the city of Palo Alto; and said council shall, except as herein otherwise provided, have the power to fix and establish the method and manner in which such powers shall be exercised. Council, powers of.

SEC. 2. Said council shall be composed of fifteen members, each of whom shall have been an elector of the city of Palo Alto for at least three years next preceding his election. Number of members.

The members of said council shall be known as councilmen, and their terms of office shall be six years, commencing on the first day of July next succeeding their election, except that the terms of those first elected and designated to serve as councilmen shall be as herein provided.

SEC. 3. On the second Monday of May, 1909, an election shall be held within said city for the purpose of electing fifteen members of said council. First election.

The fifteen members elected at such election shall, at the first regular meeting in July, 1909, so classify themselves by lot that five of said members shall hold office for the term of two years; five for the term of four years, and five for the term of six years. Term of office.

Thereafter on the second Monday in May of each odd numbered year, an election shall be held at which councilmen shall be elected to succeed the members whose terms expire on the first day of July next following.

SEC. 4. All elections called and held in said city, shall be held and conducted in manner and form as required by the general laws of the state governing elections within municipalities, *provided* that after the first election the council may provide that said elections may be held in such manner as said council may by ordinance determine, or as may be provided by an ordinance adopted by the electors of said city as hereinafter provided. Conduct of elections.

SEC. 5. Said council shall fix a time and place for its regular meetings and adopt rules to govern its proceedings. Meetings.

SEC. 6. Eight members of the council shall be necessary to constitute a quorum for the transaction of business; but a less number may adjourn from time to time and compel the attend-

ance of absent members, and impose such fines as it may deem proper upon members refusing or neglecting to attend such meetings.

Affirma-
tive vote
required.

SEC. 7. No ordinance shall be passed, no appointment made, nor officer removed, no contract shall be awarded and no obligation incurred in excess of three hundred dollars (\$300.00) without the affirmative vote of at least eight members of the council.

Mayor,
election
of.

SEC. 8. Said council shall elect one of its number as its presiding officer, who shall be known as mayor, and who shall serve for one year after his election.

The said mayor shall preside at all meetings of the council, shall be the chief executive of the said city, and perform such other duties as may from time to time be assigned to him by the council. In all other respects he shall exercise the same duties as any other member of the council.

Appoint-
ees.

SEC. 9. The council shall appoint or provide for the appointment of a clerk, treasurer, auditor, tax collector, assessor, attorney, and except as otherwise provided, such other officers as may be necessary for the transaction of the affairs of the municipality.

Vacancies.

SEC. 10. A vacancy in the council shall be filled by the remaining members of the council, and the appointee shall hold office until the first day of July succeeding the next election at which councilmen are to be elected. At the next election succeeding any vacancy a councilman shall be elected to serve for the unexpired term.

Taxes.

SEC. 11. The council shall by ordinance provide for the assessment, levy and collection of taxes, and shall act as a board of equalization in equalizing the value of property listed upon the assessment roll. During the month of September in each year, it shall levy such tax as may be necessary to raise revenue for the maintenance of the city and the several departments during the fiscal year, but such tax levy, for all municipal purposes, except the payment of interest and principal on the bonded debt, shall not exceed the sum of 85 cents upon each \$100.00 of assessed valuation as the same appears upon the assessment roll. If in the judgment of the council it should be necessary to provide a revenue in excess of the sum realized from the levy herein provided, the question of the levy of an additional tax shall be submitted to the electors, and a special election may be held for that purpose. The additional sum or rate required to be raised by such additional tax levy shall be expressed upon the ballot. If a majority of the votes cast upon such proposition shall be in favor of authorizing the council to levy such additional rate, then the council may levy the additional tax so authorized.

Support of
offices.

SEC. 12. The council shall annually appropriate for the use of the several offices and departments, such sums as may be necessary to support the same during each year. Additional appropriations may be made from time to time in case of urgent necessity, by a vote of two thirds of the members of the council.

ARTICLE IV.

DUTIES OF OFFICERS.

SECTION 1. *Clerk*.—It shall be the duty of the clerk to keep a true record of the proceedings of the council and of the several boards established by this charter and record the same in proper books kept for that purpose. He shall have power to administer oaths in connection with all matters relating to the municipality.

Duties of
officers.

Clerk.

SEC. 2. *Auditor*.—It shall be the duty of the auditor to act as bookkeeper and accountant of the municipality and to record all financial transactions in books kept for that purpose. He shall draw warrants upon the treasurer for all claims against the city which have been allowed by the council and the several departments boards. He shall render each month a statement to the council showing the financial condition of the city, and annually a like statement covering all of the financial transactions of the city during the year previous.

Auditor.

SEC. 3. *Tax Collector*.—It shall be the duty of the tax collector to receive and collect all sums due the city for taxes and licenses and from other sources, and he shall pay all moneys received into the treasury of the city, within three days after the receipt thereof.

Tax
collector.

SEC. 4. *Treasurer*.—The treasurer shall receive and safely keep all moneys belonging to the city and shall pay the same only upon warrants drawn by the auditor for claims which have been previously allowed either by the council or the several department boards, *provided* that the approval of the council or department boards shall not be necessary to pay the monthly salaries of officers and employees. The treasurer may deposit all or such portion of the public moneys as may be determined by the council, in any bank within the city authorized by law to receive deposits of public money, in accordance with the provisions of the constitution and act of the legislature entitled: "An act to provide for and regulate the deposit of county and municipal moneys in banks and banking corporations, limiting the amount of public moneys that may be deposited therein and providing a penalty for the illegal deposit and use thereof." (Approved March 23, 1907). And the provisions of such act, except as herein otherwise provided, are hereby made applicable to the government of the city of Palo Alto.

Treasurer.

SEC. 5. *Assessor*.—It shall be the duty of the assessor to make annually, between the first Monday of March and the first day of July next succeeding, a complete assessment of all property within the city, and shall upon said last named date turn over to the city council the assessment roll so prepared by him. He shall act as tax collector for the purpose of collecting taxes upon personal property when the same are unsecured by a lien upon real estate.

Assessor.

SEC. 6. *Attorney*.—The attorney shall act as the legal advisor of the council, the several boards, and any officer of the

Attorney.

city who requests his advice. He shall prepare all ordinances and contracts whenever required so to do by the council or the several department boards. He shall prosecute all violators of the city ordinances and shall represent the city in all actions at law.

Official bonds.

SEC. 7. The council may require any of the above officers to give official bonds in such sums as it may deem proper, and the council shall pay all premiums upon surety bonds when such bonds are given. It may provide for the appointment of such deputies and assistants as may be required, and shall fix the compensation of such officers and such deputies and assistants. All of the above officers shall perform such other services as the council may require and shall serve during its pleasure.

Consolidation of offices.

SEC. 8. Whenever the public interest may require, the council may consolidate the following officers:

- (a) Clerk and auditor;
- (b) Clerk and tax collector;
- (c) Clerk and assessor;
- (d) Clerk, auditor and assessor;
- (e) Auditor and assessor;
- (f) Auditor and tax collector;
- (g) Assessor and tax collector;
- (h) Treasurer and tax collector.

Until the council shall by ordinance otherwise provide, the following offices are hereby consolidated:

- (a) Clerk, auditor and assessor;
- (b) Tax collector and treasurer.

ARTICLE V.

THE SEVERAL DEPARTMENTS.

Administrative departments.

SECTION 1. The administration of the affairs of the city shall be divided among three departments, viz:

- (1) The department of public works;
- (2) The department of public safety;
- (3) The department of public library.

BOARD OF PUBLIC WORKS.

Board of public works.

SEC. 2. The department of public works shall be under the management and control of a board of public works, which shall consist of three members, to be appointed by the council. They shall serve for the term of six years from and after their appointment unless sooner removed by a majority of said council; *provided*, that the members first appointed shall classify themselves by lot so that the terms of the members shall expire, respectively, two, four and six years after their appointment. Vacancies are to be filled by the council for the unexpired terms. The members of the board of public works shall receive no compensation. The board of public works shall have and exercise the powers and perform the duties herein enumerated, to wit:

Powers and duties.

1. To construct, maintain and operate all necessary works for the supplying of the city and its inhabitants with water, light, heat, power, telegraphic and telephonic communication, and for the conveyance of passengers and freight over, under and upon the public streets and rights of way secured therefor; to fix rates for all commodities furnished or services rendered, and to dispose of commodities produced or render service in connection with such works outside of the boundaries of said city. Public utilities.

2. To improve the rivers, streams, bays, inlets and channels flowing through the city or adjoining the same; to widen, straighten and deepen the channels thereof, and remove obstructions therefrom; to control and improve the water front of the city; to construct and maintain embankments and other works to protect the city from overflow; construct, maintain and operate on any lands bordering on any navigable bay, inlet, river, creek, slough or arm of the sea, within the limits of the city or contiguous thereto, wharves, chutes, piers, breakwaters, bath houses and life-saving stations. Improve water ways.

3. To establish and change the grade and to lay out, open, extend, widen, change, vacate, pave, repave, or otherwise improve all public streets and highways and public places. to construct sewers, drains, culverts thereon, to plant trees, construct parking and remove shrubs and weeds. Also to provide for the repair, cleaning and sprinkling of such streets and public places. Streets.

4. To construct and maintain all works necessary for the disposition of sewage, garbage and waste. Sewage.

5. To establish and maintain hospitals, indigent homes and all other charitable institutions. Hospitals.

6. To maintain parks, playgrounds, theatres and places for recreation, and to establish boulevards and regulate traffic thereon. Parks.

7. To construct and maintain markets, baths, and public buildings other than school and library buildings. Markets

SEC. 3. Whenever any street work or other improvement is to be done or performed and the cost of the whole or any portion thereof is to be paid by any special assessment levied upon property, all such proceedings shall be had and carried on by the council upon the recommendation of the board of public works. Street work.

SEC. 4. The board of public works shall appoint as its executive officer a competent engineer, and upon the latter's recommendations such other employees as are necessary to supervise, manage and construct, operate and maintain the properties and things under the control of said board, and shall fix the compensation for all employees. City engineer, appointment and duties.

The engineer so appointed shall be the city engineer and street superintendent, and shall, in addition to his other duties,

1. Advise the council and the several department boards upon all matters of an engineering nature.

2. Supervise the construction and have charge of additions and repairs of all public buildings irrespective of departments.

Board of
public
safety.

SEC. 5. *Board of public safety.*—The department of public safety shall be under the management and control of a board of public safety, which shall consist of three members, to be appointed by the council. They shall serve for the term of six years from and after their appointment unless sooner removed by a majority of said council; *provided*, that the members first appointed shall classify themselves by lot so that the terms of the members shall expire, respectively, two, four and six years after their appointment. Vacancies are to be filled by the council for unexpired terms. Members of the board of public safety shall receive no compensation.

Powers
and
duties.

SEC. 6. The board of public safety shall have and exercise the powers and perform the duties herein enumerated, to wit:

1. To enforce all police and sanitary ordinances and regulations adopted by the council.

2. To have charge of the police department.

3. To maintain and have charge of the fire department and provide rules for its government; to establish all needful regulations necessary to preserve the health of the city, and to exercise the powers and perform the duties of boards of health as prescribed by the laws of the State of California.

4. To establish and maintain a public pound.

5. It shall appoint such officers and employees as may be necessary, determine their duties and fix their compensation.

Public
library
board.

SEC. 7. *Library board.*—The department of public library shall be under the management and control of a library board, which shall consist of three members, to be appointed by the council. They shall serve for the term of six years from and after their appointment, unless sooner removed by a majority of said council; *provided*, that the members first appointed shall classify themselves by lot so that the terms of the members shall expire respectively two, four and six years after their appointment. Vacancies are to be filled by the council for unexpired terms. Members of the library board shall receive no compensation. The library board shall have and exercise the powers and shall perform the duties herein enumerated, to wit:

Powers
and
duties.

1. To manage and control public libraries, reading rooms, museums and art galleries that are now or may hereafter be established, to maintain buildings necessary for the purposes above set forth.

2. To employ librarians, assistants, and such other employees as may be deemed necessary.

Contracts.

SEC. 8. All of the above boards shall have authority to make all contracts necessary for the full exercise of the powers respectively conferred, but shall have no authority to incur a debt or obligation in excess of any fund or appropriation made by the council.

Other
duties.

SEC. 9. Said boards shall perform all other duties assigned to them by the council, whether such duties are herein expressly enumerated or not.

Mayor
may
appoint.

SEC. 10. In case the council shall for a period of twenty days fail to appoint the boards provided for in this article, or

any member thereof, then it shall be the duty of the mayor to make such appointment.

ARTICLE VI.

BOARD OF EDUCATION.

SECTION 1. The school department of the city of Palo Alto shall comprise all the schools within the town of Palo Alto, the Palo Alto school district, and all the territory that is now or may hereafter be annexed for school purposes and shall consist of primary, grammar, and high schools as now established and such other schools as may hereafter be established, under the provisions of this charter; and shall be known as "Palo Alto City School District," which shall succeed to all the obligations, property, rights, and privileges of the Palo Alto school district.

School
depart-
ment.

Name of
district.

SEC. 2. All territory included within the limits of the Palo Alto city school district, but not within the city limits, shall be deemed a part of said city for the purpose of holding the general municipal elections and shall constitute one or more separate election precincts, and the qualified electors therein shall vote only for the board of education and on questions submitted to a vote of the people pertaining to school matters; and said outside territory shall be deemed a part of said city for all matters connected with the school department and with the levying and collecting of all taxes for school purposes.

Territory
included
for
election
purposes

SEC. 3. The board of education shall consist of five members, who shall have been residents of the school district for at least three years immediately preceding their election, and who shall serve without compensation; *provided*, the board of trustees of the Palo Alto school district shall be and constitute the board of education herein provided for and shall exercise the powers hereby conferred thereon until the election of their successors at the election provided for in section 4 of this article.

Members
of board.

SEC. 4. The board of trustees of Palo Alto school district shall order and provide for an election to be held in said district on the third Saturday of April in the year 1909, for the election of a board of education. The members so elected shall classify themselves by lot so that the terms of the members shall expire respectively one, two, three, four and five years after the first day of May, 1909.

First
election.

SEC. 5. The term of office of the members of the board of education, excepting as provided in section 4 of this article, shall be five years from and after the first day of May succeeding their election.

Term of
office.

SEC. 6. An election shall be held on the third Saturday of April, 1910, and on the third Saturday of April of each year thereafter for the election of a member of said board for the full term and for any unexpired term that may exist.

Annual
elections.

SEC. 7. Said board of education shall have and exercise all the powers conferred upon boards of trustees and boards of education by the laws of the State of California, and in addition thereto shall have power:

Powers
of board.

Powers of
board.

1. To annually appoint a superintendent of schools, define his duties and fix his compensation.

2. To provide a system of tenure of employment and compensation of teachers, but teachers shall be liable to removal at any time when the welfare of the schools demand such removal.

3. To provide for the establishment of kindergartens, manual training schools, night schools, technical schools, and to prescribe the studies to be taught therein.

4. To construct school buildings when necessary, and no special election need be held to authorize such construction.

5. To provide free text-books when authorized so to do by the electors voting on such proposition.

6. To prescribe the requirements for graduation from the public schools and issue certificates of graduation.

7. To provide the manner in which all elections shall be held and conducted for the election of members of said board and such special elections as may be authorized by law.

8. To receive bequests, devises and donations of property of every kind, either absolutely or in trust for any purpose, and to manage, hold or dispose of such property in accordance with the terms of any bequest, devise or donation.

9. To fill any vacancy in the membership of the board by appointment, the person appointed to hold office until the first day of May following the next election held for the election of members of such board. At the next election succeeding any vacancy a member shall be elected to serve for the unexpired term.

Estimate
for tax
levy.

SEC. 8. The board of education shall determine annually the amount of money necessary to be raised by taxation for the maintenance of the public schools, in addition to the amount of money to be received from the state and county; and the board shall, on or before the first day of September of each year, submit in writing to the board of supervisors of Santa Clara county, a careful estimate of all money required to be raised by taxation in addition thereto, and said estimate shall state separately the amount required to be raised by taxation upon property within the school district for the support of high schools, and the amount required to be raised by taxation upon the property of the school district for the support of the schools other than high schools; and the board of supervisors of Santa Clara county shall, and they are hereby authorized and directed, in each year when fixing the annual tax rate to levy and assess as a school tax for the maintenance of high schools, such amount as the board of education shall report necessary for that purpose, and shall levy and assess as a school tax for the support and maintenance of the schools other than high schools, such amount as the board of education shall report to be necessary for that purpose. In addition to the taxes levied for the support and maintenance of the schools, the board of supervisors shall annually levy a tax sufficient to pay the principal and interest on all outstanding bonds of the Palo Alto school district.

Outstand-
ing bonds.

ARTICLE VII.

POLICE COURT.

SECTION 1. There is hereby created, in and for the city of Palo Alto, a court which shall be known as the police court of the city of Palo Alto. Said court shall consist of one judge, who shall be appointed by the council, and who shall serve during its pleasure and who shall receive such compensation as the council shall determine. Police court.

SEC. 2. Said court shall have exclusive jurisdiction:

- (1) In all prosecutions for violations of the city ordinances.
- (2) In all actions for the recovery of any fine, penalty or forfeiture, and the enforcement of any obligation or liability prescribed or created by the city ordinances and in which the sum sued for does not amount to three hundred dollars.

SEC. 3. Within the city limits said court shall have concurrent and coördinate jurisdiction with township justices' courts in all matters and things in which said justices' courts now or may hereafter have jurisdiction; and the judge of said police court shall have as aforesaid like authority, power and jurisdiction as the justices of said justices' court. Jurisdiction, concurrent.

SEC. 4. Appeals may be taken to the superior court of the State of California, in and for the county of Santa Clara, from the judgments and orders of said police court, in all cases in which appeals now are or may hereafter be provided by law to be taken to said superior court from said justices' courts and police courts. Appeals.

SEC. 5. In all proceedings in and appeals from said police court, the pleadings, practice, procedure and laws, now applicable or that may hereafter be made applicable to said justices or police courts, are hereby adopted and made applicable to said police court. Rules of practice.

SEC. 6. All fines and other moneys received or collected by the judge of said police court, for or on account of the city of Palo Alto, shall be paid into the city treasury on the first Monday in each month. Fines, disposition of.

SEC. 7. All actions and proceedings pending and undetermined in the existing recorder's court of the town of Palo Alto shall be proceeded with, heard, tried, and determined in said police court hereby provided for, before said judge, the same as if said actions or proceedings had been originally commenced in said police court. Actions pending.

ARTICLE VIII.

THE RECALL, INITIATIVE AND REFERENDUM.

SECTION 1. Any elective officer may be removed by the electors qualified to vote for the successor of the officer sought to be removed. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty The recall.
Removal of incumbent, procedure for.

per centum of the entire vote cast at the last preceding general municipal election, demanding an election of a successor of the incumbent sought to be removed shall be filed with the clerk, and said petition shall contain a general statement of the grounds for which the removal is sought.

The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter or taxpayer of the municipality shall be competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signature, the genuineness of which is not called in question by the sworn affidavit of the alleged owner thereof, shall be presumed to be genuine. Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters. Each signer of said petition shall add to his signature his place of residence, giving the street and number.

Duty
of clerk.

Within ten days from the date of filing such petition, the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary the council shall allow the clerk extra help for that purpose, and the clerk 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 amended by additional signatures within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect.

Order for
election.

If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay, and the council shall thereupon order and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

Conduct of
election.

All arrangements for said election shall be made and the same shall be conducted, returned, and the results thereof declared, in all respects as are all other municipal elections: *provided*, that if there be any conflict of provisions, this charter shall control.

Candidate,
who may
be.

Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing,

the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate or candidates receiving the highest number of votes shall be declared elected. At such election, if some person other than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from his office upon qualification of his successor. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office. In case more than one councilman is sought to be removed, whose terms shall not expire at the same time, there shall appear on the ballot the date of the expiration of the respective terms and the offices to be filled for such different terms shall be deemed separate and distinct offices to be filled at such election.

SEC. 2. Any proposed ordinance may be submitted to the council by a petition signed by qualified and registered electors of the city equal in number to the percentage hereinafter required. The petition shall set forth a copy of the proposed ordinance, and the form of such petition, signatures, verifications, and duties of the clerk in respect thereto, provided in section 1 of this article for petitions for recall shall apply to petitions of initiative.

If the petition accompanying the proposed ordinance be signed by qualified and registered electors equal in number to ten per centum of the entire vote cast at the last preceding general election, the council must either pass such ordinance without alteration or submit the same to the electorate at the next general municipal election that shall occur at any time after thirty days from the date of the clerk's certificate of sufficiency. But if such petition is signed by qualified and registered electors equal in number to twenty per centum of said vote and contains a request that such ordinance be submitted to a vote of the people at a special election, then the council must either pass the ordinance without alteration or submit the same to the electorate at a special election to be called within sixty days from the filing of such petition.

The ballots used when voting upon such proposed ordinance shall contain the words: "For the Ordinance," and "Against the Ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city. The council may at such election submit any amendment thereto that it may deem proper, and the ballots used at such election shall contain the words: "For the Amendment," or "Against the Amendment," or ordinance (naming the ordinance) and also stating the nature of the proposed amendment. If a majority of the qualified electors voting on said proposed amendment shall vote in favor thereof, such ordi-

nance shall thereupon be deemed amended in accordance therewith. The council may also propose and submit any ordinance to the electors, and such ordinance, upon receiving a majority of the votes of the electors, voting thereon, shall be deemed to have been adopted and shall be the valid and binding ordinance of the city. Any ordinance adopted by the electors under the provisions of this article can not be repealed or amended, except by a vote of the people obtained in the manner hereinbefore stated, unless such ordinance shall otherwise provide.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section; *provided*, that there shall not be held under this section of the charter more than one special election in any period of twelve months.

The refer-
endum.

SEC. 3. Any ordinance or resolution, other than such as may be required to be passed at a particular time or for the purpose of complying with a charter or statutory law and excepting such ordinances or resolutions as may be declared by the council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, shall be subject to a referendum as herein provided; *provided further* that the petition for such referendum be filed within sixty (60) days from the final passage of such ordinance or resolution.

Petition.

Whenever a petition shall be presented to the council, asking that a particular ordinance or resolution named therein be submitted to a vote of the electors, and signed as required for an initiative petition in section two of this article, it shall be the duty of the council to submit the question of the approval or rejection of such ordinance or resolution to the electors at a regular or special election, and until such election is held and the ordinance approved by the electors the provisions of such ordinance or resolution shall be suspended and be inoperative.

All the proceedings relative to the submission of ordinances by initiative shall apply to ordinances submitted by a referendum petition, and the vote thereon shall be of the same force and effect as provided in section two.

ARTICLE IX.

MISCELLANEOUS.

Ordaining
clause.

SECTION 1. The ordaining clause of all ordinances adopted by the council shall be, "The council of the city of Palo Alto do ordain as follows," and the ordaining clause of all ordinances adopted in accordance with the provisions of article VIII shall be, "The people of the city of Palo Alto do ordain as follows."

Fran-
chises.

SEC. 2. No franchise shall be granted by the council, but may be granted by the electors by ordinance proposed and adopted as provided in section 2 of article VIII of this charter;

provided, that the petition therefor shall be signed by qualified and registered voters equal in number to at least twenty per centum of the votes cast at the last preceding general municipal election; and *provided further*, that no franchise shall be granted for a longer term than twenty-five years.

SEC. 3. No officer of the city shall be interested in any contract entered into by the city, and the general laws of the state forbidding city officials to be so interested is hereby made a part of this charter. Contracts.

SEC. 4. The council shall publish annually a financial report of the city and furnish a copy thereof to each taxpayer residing therein. Financial report.

SEC. 5. The revenue of each public utility shall be kept in a separate fund from all other receipts and shall be used for the purposes and in the order as follows: Public utility funds.

1. For the payment of the operating and maintenance expenses of such utility.

2. For the payment of interest on the bonded debt incurred for the construction or acquisition of such utility.

3. For the payment of the principal of said debt, as it may become due.

4. The remainder shall be paid into the general fund.

SEC. 6. No ballot used at any municipal election shall contain any reference to a political party, and no designation or symbol shall be placed in connection with the name of any candidate. Any person otherwise qualified may be a candidate for an elective office at any election, regular or special, by filing with the clerk, not less than ten days prior to the day of election, a petition signed by qualified and registered voters equal in number to three per centum of the votes cast at the last general municipal election. Ballots.

SEC. 7. No member of the council shall hold any other municipal office, or hold any office or employment, the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected. Council, restrictions on.

SEC. 8. No person, firm, or corporation shall ever exercise any franchise, license, permit, easement, privilege or other use, except in so far as he or it may be entitled to do so by direct authority of the constitution of the State of California, or of the constitution or laws of the United States, in, upon, over, under or along any street, highway or other public place in the city unless he or it shall have first obtained a grant therefor in accordance with the provisions of this charter. Franchises over streets.

SEC. 9. Liens for taxes levied shall attach to the property charged therewith on the first Monday in March at twelve o'clock M. Liens for taxes.

ARTICLE XI.

AMENDMENTS.

Charter,
may be
amended,
how.

SECTION 1. This charter may be amended at intervals of not less than two years by proposals therefor, submitted by the council to the qualified electors of the city at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in said city and ratified by a majority of the electors voting thereon, and approved by the legislature as provided in the constitution of the State of California. Whenever fifteen per centum of the qualified voters of the city shall petition the council to submit any proposed amendment or amendments to this charter to the qualified voters thereof for approval the council must submit the same. In submitting any such amendment or amendments to the charter any alternative article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to the others.

Petition
for amend-
ment.

SEC. 2. The petition herein provided for must be made, presented, examined, and certified to in the manner and form required for petitions in section 1 of article VIII of this charter.

Submis-
sion of.

SEC. 3. The council must make all necessary provisions for submitting proposed amendments to the electors, and shall canvass the votes in the same manner as in other elections.

Ballots.

SEC. 4. The ballots used at such elections shall contain the words, "For the Amendment" and "Against the Amendment" (stating the nature of the proposed amendment).

ARTICLE XII.

Charter
effective,
when.

This charter shall take effect at noon on July 1, 1909; *provided* that all provisions relative to public schools, to elections, the qualifications of candidates, the nomination of candidates for public office shall be operative upon the approval of this charter by the legislature, and the board of trustees of the town of Palo Alto are hereby directed to provide for all elections provided herein to be held prior to the first day of July, 1909, and to issue certificates of election to the persons elected to the office of councilmen.

All the present officials of the town of Palo Alto shall continue to perform the duties now required of them until their successors are appointed and qualified as in this charter provided.

CERTIFICATE.

Certificate
of board of
free-
holders.

WHEREAS, The town of Palo Alto, a city of more than three thousand five hundred inhabitants, did on the twenty-fourth day of August, A. D. 1908, have a special election, and under and in accordance with the provisions of section 8, article XI of the constitution of the State of California, elect the undersigned, a board of fifteen freeholders, to prepare and propose a charter for said city;

BE IT KNOWN, That in pursuance of said provisions of the constitution of the State of California, and within a period of ninety days after such election, we, the members of the said board of freeholders, have prepared and do hereby propose the foregoing articles signed in duplicate, as and for the charter of the said city of Palo Alto. Certificate of board of freeholders.

IN WITNESS WHEREOF, We have hereunto set our hands, at the town of Palo Alto, county of Santa Clara, in the State of California, this twentieth day of November, A. D. 1908.

MARSHALL BLACK, President.
 C. E. JORDAN, Secretary.
 WALTER E. VAIL
 E. C. THOITS
 S. W. CHARLES
 BENJAMIN P. OAKFORD
 A. N. UMPHREYS
 H. W. SIMKINS
 STANLEY FORBES
 CHAS. B. WING
 JOHN T. COULTHARD
 C. S. DOWNING
 C. B. STINSON

ADDITIONAL PROPOSITION SUBMITTED TO A VOTE OF THE PEOPLE AND PROPOSED TO BE INCORPORATED IN THE CHARTER FOR THE CITY OF PALO ALTO. Additional proposition.

PROPOSITION I.

ARTICLE X.

ALCOHOLIC LIQUORS.

SECTION 1. It shall be unlawful for any person or persons, firm, corporation, club or association or member of such club or association to establish, carry on, keep or maintain a place where spirituous, vinous, malt or intoxicating liquors or any admixture thereof or any alcoholic drinks whatsoever are sold, kept for sale, offered for sale, furnished, distributed, divided, delivered or given away. Sale of liquors.

SEC. 2. It shall be unlawful for any person, either as owner, employer, agent, servant, clerk or employee, to sell or deliver any of the liquors herein mentioned, or to solicit the sale of or take orders for the same within the limits of the city of Palo Alto. Soliciting orders.

SEC. 3. It shall be unlawful for any person directly or indirectly, to keep or maintain, by himself or by associating or combining with others, or in any manner to aid, assist or abet in keeping or maintaining any club room or other place within the city of Palo Alto, in which any intoxicating liquors are kept for the purpose of gift, barter or sale, or for distribution among the members of any club or association. Club rooms.

Penalty.

SEC. 4. Any violation of the foregoing provisions in this section shall constitute a misdemeanor, punishable upon conviction by a fine of not more than \$300.00 or by imprisonment in the city jail for a period of not more than three months, or by both such fine and imprisonment.

Further restrictions.

SEC. 5. The council may by proper ordinance provide additional penalties, not inconsistent with the law, for the violation of the provisions of this section and may adopt such further restrictions as will make the said provisions effective.

Liquor for medicinal uses.

SEC. 6. Nothing in this article shall be held or construed as prohibiting the sale or use of alcoholic liquor for medicinal, industrial, sacramental or scientific purposes, but the council shall impose such regulations governing such sale and use of such liquors as will prevent the violation or evasion of the provisions of this article.

CERTIFICATE.

Certificate of board of freeholders.

WHEREAS, The town of Palo Alto, a city of more than thirty-five hundred inhabitants, did on the twenty-fourth day of August, A. D. 1908, have a special election, and in accordance with the provisions of section 8, article XI of the constitution of the State of California, elect the undersigned, a board of fifteen freeholders, to prepare a proposed charter for said city;

BE IT KNOWN, That in pursuance of said provisions of the constitution of the State of California and within a period of ninety days after such election, we, the members of said board of freeholders, have prepared and do hereby propose the foregoing additional article signed in duplicate as and for a part of the charter of the said city of Palo Alto, to be presented for the choice of the voters of the city of Palo Alto and to be voted on separately without prejudice to said proposed charter or to any or either of the articles or propositions herewith presented.

IN WITNESS WHEREOF, We have hereunto set our hands, at the town of Palo Alto, county of Santa Clara, in the State of California, this twentieth day of November, A. D. 1908.

MARSHALL BLACK, President.

C. E. JORDAN, Secretary.

WALTER E. VAIL

E. C. THOITS

S. W. CHARLES

BENJAMIN P. OAKFORD

A. N. UMPHREYS

H. W. SIMKINS

STANLEY FORBES

CHAS. B. WING

JOHN T. COULTHARD

C. S. DOWNING

C. B. STINSON

Filed November 21, 1908, at 8:30 A. M., with Charles D. Marx, president of the board of trustees of the town of Palo Alto.

MEMORANDUM.

The first official publication of the foregoing charter was made in the Daily Palo Alto Times, a daily newspaper of general circulation, on Tuesday, December 8, 1908, in accordance with a resolution adopted by the board of trustees of the town of Palo Alto on Tuesday, December 1, 1908, and by direction of the president of said board and the town clerk as provided for in said resolution.

Official
publication.

STATE OF CALIFORNIA, }
COUNTY OF SANTA CLARA. } ss.

I, Charles D. Marx, president of the board of town trustees of the town of Palo Alto, California, do hereby certify that I now am and at all of the times herein mentioned was the duly elected, qualified and acting president of said board of town trustees of the town of Palo Alto; that the board of freeholders whose names appear signed to the foregoing proposed charter and the alternative proposition were, and each of them was, on the 24th day of August, A. D. 1908, at a special municipal election held in said town of Palo Alto, on said last named day, duly elected by the qualified voters of said town as such freeholders, to prepare and propose a charter for said town; that each of the persons so elected was a freeholder and was at the time of said election, and had been continuously for more than five years immediately prior thereto a qualified elector of the said town of Palo Alto; that said board of freeholders, in accordance with law, prepared and proposed a charter and prepared and proposed the foregoing alternative proposition for said town, in duplicate; that the foregoing is a full, true and correct copy of said proposed charter of the said town of Palo Alto, including the said alternative proposition I, which were prepared and proposed by said board of freeholders, one copy of which said proposed charter and of said proposed alternative proposition was duly returned to me as president of the said board of town trustees of the town of Palo Alto, and the other copy thereof was duly returned to and filed with the recorder of the county of Santa Clara, all within ninety days after said election, as required by section eight of article eleven of the constitution of this state; that such proposed charter and the said alternative proposition I, were then published in the Daily Palo Alto Times, (the same being a daily newspaper of general circulation in said town,) for more than twenty days, and the first publication thereof was made within twenty days after the completion of said proposed charter and said alternative proposition; that within thirty days after the publication of said proposed charter and said alternative proposition I as aforesaid, and as required by said section eight of the constitution, to wit: On the 21st day of January, A. D. 1909, said proposed charter and said alternative proposition I, were submitted to a special municipal election duly held in the said town of Palo Alto, for the purpose of ratifying or rejecting said proposed charter and the said alternative proposition.

Certificate
of presi-
dent and
clerk of
board of
trustees.

Certificate
of presi-
dent and
clerk of
board of
trustees.

That said proposed charter as a whole and the said alternative proposition were duly ratified at said last mentioned election by the majority of the votes of the qualified electors of said town voting thereon, and that the returns of said last mentioned election were duly canvassed by the board of town trustees of said town of Palo Alto on the 2nd day of February, A. D. 1909, and the result thereof declared as above set forth.

And I further certify that all the times herein mentioned said town of Palo Alto contained a population of more than three thousand five hundred, and that in all matters and things pertaining to said proposed charter and the said alternative proposition, the provisions of section eight of article eleven of the constitution and of the laws of the State of California pertaining to the adoption of said proposed charter and of said alternative proposition have, in every particular, been fully complied with.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said town this 2nd day of February, A. D. 1909.

CHAS. D. MARX,

President of the Board of Town Trustees
of the Town of Palo Alto.

[SEAL.]

Attest:

C. H. JORDAN,

Town Clerk and ex officio Clerk of the Board
of Town Trustees of the Town of Palo Alto.

JOINT RESOLUTION OF THE LEGISLATURE OF THE STATE OF CALIFORNIA, APPROVING THE FOREGOING CHARTER OF THE CITY OF PALO ALTO.

Approval
by legisla-
ture.

Now, therefore, be it

Resolved by the senate of the State of California, the assembly thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That said charter of the city of Palo Alto including said additional proposition No. I, as presented to and adopted and ratified by the electors of said town of Palo Alto as herein above set forth, be and the same is hereby approved as a whole, as and for the charter of said city of Palo Alto as aforesaid.

CHAPTER 14.

Assembly Concurrent Resolution No. 13.

[Adopted February 22, 1909.]

Washing-
ton's
birthday,
observance
of.

Resolved by the assembly, the senate concurring. That the senate and assembly meet in joint session at an hour and place to be selected by the committee as hereinafter provided, on Monday, February 22nd, for the purpose of appropriately observing the anniversary of Washington's birthday; and be it

Resolved, That a committee of three members of the assembly be appointed to confer with a like committee from the senate to arrange a program of exercises and to provide a place and fix the time of said joint meeting, said committees to be appointed by the speaker and president of the senate, respectively, and any expenses incurred to be paid equally by the assembly and senate out of their contingent funds.

CHAPTER 15.

Assembly Concurrent Resolution No. 5.

[Adopted March 3, 1909.]

WHEREAS, The Alaska-Yukon-Pacific Exposition is intended to commemorate an event of great importance in the history of the United States, and more particularly of the entire Pacific coast: and

Alaska-Yukon-Pacific exposition.

WHEREAS, It is fit and proper that the State of California shall be officially represented in the exercises incidental to the formal opening of such exposition in the city of Seattle, Washington, June 1, 1909; therefore, be it

Resolved by the assembly of the State of California, the senate concurring, That, as part of such celebration, the lieutenant-governor shall appoint seven members of the senate, and the speaker of the assembly shall name a like number of members of the assembly, who, with the governor, the lieutenant-governor, the president pro tem. of the senate, and the speaker and the speaker pro tem. of the assembly, shall represent the State of California at the time and place and the occasion mentioned.

Committee to represent state.

Resolved, That, for the purposes aforesaid, the sum of five thousand dollars, or as much thereof as may be necessary, is hereby appropriated, one half from the contingent fund of the senate, and one half from the contingent fund of the assembly, the same to be expended under the supervision and direction of the select committee authorized, and in the manner herein set forth.

Appropriation.

CHAPTER 16.

Senate Concurrent Resolution No. 13, approving eighteen certain amendments to the charter of the city of Pasadena, county of Los Angeles, State of California, voted for and ratified by the qualified electors of the said city of Pasadena at the special municipal election held therein for that purpose on the twenty-sixth day of February, 1909.

[Adopted March 3, 1909.]

Charter of
the city of
Pasadena,
amend-
ments to.
Preamble.

WHEREAS, The city of Pasadena, in the county of Los Angeles, State of California, contains a population of more than thirty-five hundred inhabitants, and has been ever since the year nineteen hundred and one, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, of article eleven, of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of November, A. D. nineteen hundred, and approved by the legislature of the State of California, on the twenty-ninth day of January nineteen hundred and one (statutes of 1900-1, page 884); and

WHEREAS, The city council of the said city of Pasadena did by ordinance number nine hundred and eight, adopted by said city council, and approved by the mayor of said city on the twenty-first day of December, nineteen hundred and eight, and pursuant to section eight of article eleven of the constitution of the State of California, duly propose to the qualified electors of the said city of Pasadena, certain amendments to the charter of said city of Pasadena, to be submitted to the said qualified electors at a special municipal election to be held in said city on the twenty-sixth day of February, nineteen hundred and nine; said amendments being twenty-two in number; and

WHEREAS, Said proposed amendments were, and each of them was, published for twenty days in a daily newspaper printed and published in said city of Pasadena, and having a general circulation therein, to wit: The Pasadena Daily News; said publication beginning the twenty-first day of December, nineteen hundred and eight, and ending on the thirteenth day of January, nineteen hundred and nine; and

WHEREAS, The city council of said city did, by ordinance number nine hundred and nineteen, adopted by said city council, and approved by the mayor of said city on the twentieth day of January, nineteen hundred and nine, order the holding of a special municipal election in said city of Pasadena, on the twenty-sixth day of February, nineteen hundred and nine, said day being at least forty days after the publication of said proposed amendments for twenty days in a daily newspaper of general circulation in said city of Pasadena, to wit:

The Pasadena Daily News, and did provide in said ordinance ^{Preamble.} for the submission of the proposed charter amendments numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21 and 22 to the qualified electors of said city for their ratification at said election; said ordinance was published for ten days in the Pasadena Daily News, a daily newspaper printed and published in said city of Pasadena; said publication beginning on the twentieth day of January, nineteen hundred and nine, and ending on the thirtieth day of January, nineteen hundred and nine; and

WHEREAS, At said election a majority of the qualified electors voting thereon, voted in favor of the ratification of, and did ratify eighteen of the proposed amendments to said charter; and

WHEREAS, The city council of said city of Pasadena in accordance with section ten of article nineteen and section three of article twenty-one of the charter of said city, did meet on the first Monday after the day of election, to wit, the first day of March, nineteen hundred and nine, at their usual time and place of meeting and duly canvassed the returns of the said election, and duly found, determined and declared that a majority of the qualified electors of said city voting thereon, had voted for and ratified eighteen of the said proposed amendments to the charter of said city of Pasadena; and

WHEREAS, The said eighteen amendments to said charter so ratified by a majority of the qualified electors in said city voting at said election are in words and figures as follows, to wit:

Amendment Number One.

That subdivision fifteenth of section 3 of article 1 be amended to read as follows:

Fifteenth—To levy and collect taxes, or to provide for the levy and collection of taxes by officers of the county, or otherwise, upon municipal property for all municipal purposes; *provided*, that the taxes levied for any one year for all municipal purposes other than for the payment of principal or interest on any bonds of the said city, or for school purposes, shall not, except as hereinafter provided, exceed one dollar on each hundred dollars worth of taxable property in the said city, as shown by the assessment roll. And to levy and collect, or cause to be levied and collected, assessments upon property to pay for the acquiring, grading, regrading, laying out, opening, widening, extending and improving of rights of way, streets, alleys, sidewalks, crossings, and other highways and public squares and places, for the construction of sewer, water, storm water, gas and other pipes, mains and conduits therein; for the planting, maintenance and care of trees and shrubbery therein, for the removal of grass, weeds or obstructions therefrom, and for the removal from lands or lots of weeds, rubbish or other material.

Levy and collection of taxes.

Amendment Number Two.

That section 5 of article 9 be amended to read as follows :

Street
improve-
ments,
laws
governing.

Section 5. Except as otherwise herein or by ordinance of the city provided, the general law or laws of the State of California now in force, or which may hereafter be adopted by the legislature of this state, providing for the laying out, opening, extending, widening, straightening, or closing up, in whole or in part, of any street, square, lane, alley, court or place within municipalities, for condemning and acquiring any and all land and property necessary or convenient for such purposes, for the paving, curbing, guttering, sidewalking and other improvement of streets, squares, lanes, alleys, courts or places, for the construction of sewer, water, storm water or other mains, ditches, pipes or conduits, for the planting, maintenance or care of shade trees or shrubbery upon or along streets, lanes, alleys, courts, rights of way and places within municipalities, and for the eradication of weeds and removal of rubbish within municipalities, and for the levying and collection of assessments upon property for the doing of said work or carrying out of said purposes, and for the issue of improvement bonds to represent such assessment, are hereby made a part of this charter; *provided, however,* that the council shall have power at any time by ordinance to abandon or re-adopt the modes or systems so provided for, or relative to, or adopt or provide or change different modes or systems for, or relative to, said work and purposes, or any of them, and for the levying and collection of assessments upon property for the doing of said work or carrying out of said purposes, and for the issue of improvement bonds to represent assessments for the cost of doing said work or carrying out said purposes.

Amendment Number Three.

That article 9 be amended by adding thereto a new section to be known as section 6, and to read as follows :

Grass plots
along
sidewalks.

Section 6. Upon a petition of the owners of a majority of the frontage abutting upon any street or part thereof, the council shall have power by ordinance to require, or provide, or adopt general law or laws, for the planting, maintenance or care of grass plots between the sidewalk and roadway in such street or part thereof, and to make the cost thereof a lien and charge upon the abutting property, and to make provision of enforcement of such lien by the sale of property or otherwise.

Amendment Number Four.

That article 9 of the charter be amended by adding thereto a new section to be known as section 7, and to read as follows :

Removal
of weeds,
etc.

Section 7. The council shall have power by ordinance to require or provide for the removal of grass, weeds or other obstructions from the sidewalks, parkings or streets and to make the cost thereof a lien or charge upon the abutting property and to make provision for the enforcement of such lien by the sale of property or otherwise.

Amendment Number Five.

That article 9 be amended by adding thereto a new section to be known as section 8, and to read as follows:

Section 8. The council shall have power by ordinance to require or provide for the removal from property, lands or lots all weeds, rubbish or any other material which may endanger or injure neighboring property, or the health or welfare of the residents of the vicinity, and to make the cost thereof a lien and charge upon such lots or lands, and to make provisions for the enforcement of such lien by the sale of such lots or lands, or otherwise.

Rubbish
on lots.

Amendment Number Six.

That article 9 be amended by adding thereto a new section to be known as section 9, and to read as follows:

Section 9. The council shall have power by ordinance to require the owners of real property fronting upon any street, lane, alley or other public place in which there are, or in which it is proposed to be constructed, sewer, water or gas, or other mains or conduits, to connect their several premises therewith, or to cause such connections to be made and to make the cost thereof a lien and charge upon the property so connected and to make provision for the enforcement of such lien by the sale of property or otherwise.

Sewer,
etc., con-
nections.

Amendment Number Seven.

That article 9 be amended by adding thereto a new section to be known as section 10, and to read as follows:

Section 10. The performance of any act or work by this article authorized to be done by the council may be delegated to, or done through or by the aid of the board of park, police and fire commissioners or other officers or officer of the city.

Delegation
of power.

Amendment Number Eight.

That sections 10 and 12 of article 5 be amended to read as follows:

Section 10. The city treasurer shall be ex officio tax and license collector, and as such tax and license collector he shall receive and collect all city taxes, general and special, license taxes and other branches of the city revenue, not otherwise herein provided for; he shall prepare and sign, and upon counter-signing by the auditor shall issue all city license certificates, and he shall keep proper books showing all moneys collected by him as tax and license collector, and also a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which book shall be properly indexed, and shall be at all suitable times open to public inspection; he shall do and perform such other duties as may be required of him by this charter or by the ordinances of the city. He shall pay all moneys col-

City
treasurer
ex officio
tax
collector.

lected by him as tax and license collector into the city treasury daily and report to the auditor all licenses issued and license charges collected.

City clerk,
duties of.

Section 12. The city clerk shall have the custody of, and be responsible for the corporate seal, all books, papers, records and archives belonging to the city, not in actual use by other officers, or elsewhere by special provision committed to their custody. He shall be present at each meeting of the council and of the board of equalization, and keep a record of its proceedings. He shall keep separate books in which respectively he shall record all ordinances and contracts and official bonds. He shall keep all the books properly indexed and open to public inspection when not in actual use. He shall perform such other duties as are or shall be imposed by this charter or by ordinance. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor. He shall devote his entire time to the duties of his office. He shall be the custodian of the city hall, and of all personal property, the custody of which has not been otherwise provided for.

Amendment Number Nine.

That section 9 of article 5 be amended to read as follows:

Deposit of
city
moneys.

Section 9. The treasurer shall not under any circumstances deposit with any person, corporation or bank any of the moneys of the city or allow the same, except as herein provided, to pass out of his custody; *provided, however,* that the treasurer may deposit city moneys with such banks and upon terms and conditions and subject to and upon the requirements, limitations and penalties as provided by an act of the legislature approved March 23, 1907, and acts amendatory thereof, providing for and regulating the deposit of moneys of counties and municipalities of this state with banks and banking corporations.

Amendment Number Ten.

That sections 1, 2, 3, 4 and 5 of article 10 be amended to read as follows:

Contracts.

Section 1. The city of Pasadena shall not be, and is not bound by any contract, except as otherwise provided herein, unless the same is made in writing by order of the council and signed by the mayor or by some other person in behalf of the city, authorized so to do by the council; *provided,* that the approval of the form of the contract by the city attorney shall be endorsed thereon before the council shall have power to order the same to be entered into in behalf of the city; but the council may authorize any officer, board, commission or agent of the city to bind the city, without a contract in writing, and without advertising, for the payment for supplies, labor or other valuable consideration furnished to the city, in an amount not exceeding one hundred dollars, and by motion duly passed by five councilmen, and approved by the mayor, may

authorize any officer to so bind the city for said purposes in a larger amount, not exceeding five hundred dollars; *provided, however,* that the respective manager or superintendent of the electric lighting or water departments of the city may contract for the sale of electricity and water respectively by the city upon general forms of contract approved, and at rates fixed, by the city council.

Provided further, that the restrictions and provisions of this section shall not apply to labor or services rendered by persons in the employ of the city at salaries or wages fixed by ordinance or by this charter.

Section 2. Except as otherwise provided in this charter, all contracts for goods, merchandise, stores, supplies, materials, subsistence or printing for the city or for any of the departments or public institutions thereof, must be made by the city council with the lowest bidder offering adequate security for the faithful performance of the contract after the publication for at least three days in a newspaper published in said city of a notice calling for bids and fixing a period during which such bids will be received, which shall be for not less than ten days after the first publication of said notice.

Notice for bids.

Section 3. All bids must be accompanied by a certificate of deposit or certified check or draft or a cashier's check or draft of or on some responsible bank in the United States for an amount equal to ten per cent. of the bid; the said certificate of deposit or certified check or draft or cashier's check or draft must be in favor of and payable at sight to the city clerk. If the bidder to whom the contract is awarded shall for five days after such award, fail or neglect to enter into the contract and file the required bond, the clerk shall draw the money due on such certificate of deposit or check or draft and pay the same into the treasury, and under no circumstances shall the certificate of deposit or check or the proceeds thereof be returned to the defaulting bidder.

Deposit to accompany bids.

Section 4. The council shall require bonds with sufficient sureties for the faithful performance of every contract. All such bonds, after having been approved by the city attorney, as to form, shall be approved by the mayor, and such approval with the date thereof shall be endorsed upon said bonds and evidenced by the signature of the mayor.

Bonds.

Section 5. All bids must be placed in a sealed envelope and delivered to the city clerk and opened by the council at the hour and place to be stated in the notice calling for bids. All bids that do not conform to the requirements of this charter or are not in accord with the terms of the notice calling for bids must be rejected. The clerk shall return to the unsuccessful bidders their certificates of deposit, drafts or checks. He shall retain the certificate of deposit, check or draft of the successful bidder until after the approval by the mayor of the bond furnished by such bidder, for the faithful performance of his contract, and then shall return such certificate of deposit, check or draft to such successful bidder.

Opening of bids.

That section 3 of article 6½ be amended to read as follows:

Contracts
required.

Section 3. All machinery, supplies and materials for the use of this department shall be purchased only on the recommendation or approval of said board, and contracts therefor shall be made only as provided by article 10 of this charter.

That to article 6, and immediately after section 2 thereof, be added a new section to be known as section 2½, and to read as follows:

Same.

Section 2½. All articles, supplies and materials for the use of the park, police and fire departments shall be purchased only on recommendation or approval of said board, and contracts therefor shall be made only as provided by article 10 of this charter.

Amendment Number Eleven.

That section 3 of article 6 be amended to read as follows:

Government
of ground
parks.

Section 3. The board shall have the exclusive management of all lands and real property which may be acquired, set apart or dedicated as public parks or pleasure grounds.

The board shall have authority to cause, direct and regulate the planting, removal, trimming, pruning and care of shade and ornamental trees and shrubbery and grass in any and all of the streets, alleys, public places and grounds of the city. *Provided, however,* that the provisions of this section shall not be deemed to abridge or supersede any of the powers elsewhere in this charter conferred upon the council or upon other officers or officer of the city.

The board shall have authority to establish rules and regulations for the use and government of the parks and pleasure grounds of the city and to provide for the amusement and recreation of the people in such parks and pleasure grounds, and to prohibit the use of drives and ways in any of said parks or pleasure grounds for teaming or other purposes determined by said board to be injurious thereto.

For the purposes declared by this section the board shall upon terms and for compensations fixed by the city council have power to appoint, remove, discharge and suspend all necessary superintendents, laborers and other employees.

Amendment Number Thirteen.

That section 1 of article 20 of the charter be amended to read as follows:

Dedication
of ground
for streets.

Section 1. In all cases where lands in the city shall hereafter be subdivided and laid out into blocks or lots, streets and alleys or when new streets, alleys or public places are laid out, opened, donated or granted to the public, the map or plat thereof shall be submitted to the council and the city engineer for their approval, and if such council and engineer approve the same, such approval shall be endorsed upon said map or plat, the approval of the council being evidenced by the certificate of the clerk thereof, and a duplicate copy of such map or plat as approved shall be placed on file in the office of the

city engineer, and no street, alley or public place hereafter opened and by such map or plat dedicated as such, shall become or be accepted by the council as a public street, alley or place or be subject to any public improvement, without such approval and endorsement.

Amendment Number Fourteen.

That section 3 of article 13, be amended to read as follows:

Section 3. In granting franchises the city council shall, ^{Franchise.} subject only to the provisions of the constitution of the State of California impose such conditions, restrictions and limitations as in their judgment may best subserve the public interest and welfare, but no franchise shall be granted for a longer period than twenty years; *provided, however,* that franchises to construct and maintain street railways upon streets in or over which at the time the franchise is applied for or granted or within two years theretofore are or were constructed, no street railway or railways under franchise from the city, may be granted for a period not exceeding thirty years.

Amendment Number Sixteen.

That section 5 of article 19 be amended to read as follows:

Section 5. At all city elections each of the election officers shall receive for his services the same amount as provided by ^{Election officers, pay of.} the general law for like services at general elections.

Amendment Number Eighteen.

That article 3 be amended by adding thereto a new section to be known as section 1b, and to read as follows:

Section 1b. From and after the first Monday in May, 1909, each member of the council shall receive the sum of five dollars for each meeting of the council which he shall attend, *provided,* ^{Members of council, per diem of.} that compensation shall not be paid for more than five meetings during each month.

Amendment Number Nineteen.

That article 3 be amended by adding thereto a new section to be known as section 1c, and to read as follows:

Section 1c. From and after the first Monday in May, 1909, ^{Salary of treasurer.} the salary of the city treasurer and ex officio tax and license collector shall be twelve hundred dollars per annum.

Amendment Number Twenty.

That article 3 be amended by adding thereto a new section to be known as section 1d, and to read as follows:

Section 1d. From and after the first Monday in May, 1909, ^{Salary of clerk.} the salary of the city clerk shall be fifteen hundred dollars per annum.

Amendment Number Twenty-two.

That section 2 of article I, be amended to read as follows:

Section 2. The city shall be divided into six wards described as follows, to wit:

First Ward—All that portion of the city which lies east of the center line of Raymond avenue, west of the easterly line of the old city limits, as described in the charter of the city of Pasadena adopted and ratified November 20, 1900, south of the northerly line of said old city limits and north of the center line of Colorado street.

Second Ward—All that portion of the city which lies west of the center line of Raymond avenue and between the center line of Colorado street and a prolongation westerly thereof on the south, and the line of the old north city limits as described in the charter of said city adopted and ratified November 20, 1900, and a prolongation thereof, on the north.

Third Ward—All that portion of the city which lies south of the center line of Colorado street east of the center line of Raymond avenue and a prolongation southerly thereof, and west and southwest of a line described as follows, to wit:

Beginning at the intersection of the center line of Colorado street and the old east city limits, as described in the charter of the city of Pasadena adopted and ratified November 20, 1900; thence south, west and southeasterly along the line of the said old east city limits to the northeasterly corner of lot five (5) Arden road tract, as per map recorded in book 12, page 30 of maps in the office of the county recorder of Los Angeles county; thence southerly along the easterly line of said lot five (5) and a prolongation thereof, to the center line of Arden road; thence southeasterly to the northeasterly corner of lot twenty-three (23) of said Arden road tract; thence southerly along the easterly line of said lot twenty-three (23) and the prolongation thereof.

Fourth Ward—All that portion of the city which lies south of the center line of Colorado street and a prolongation westerly thereof, and west of the center line of Raymond avenue and a prolongation southerly thereof.

Fifth Ward—All that portion of the city which lies north of the old north city limits as described in the charter of said city adopted and ratified November 20, 1900, and prolongation westerly thereof, and west of the east city limits as described in an amendment to the charter of the city of Pasadena adopted and ratified February 20, 1905.

Sixth Ward—All that portion of the city of Pasadena lying east of the easterly boundary lines of the first, third and fifth wards, as above described.

The city council shall have power to change the boundaries of the said wards by ordinance, but the said boundaries shall not be changed oftener than once in three (3) years; *provided, however*, that when additional territory is annexed to said city the council may by ordinance determine the ward or wards to which said annexed territory shall belong.

That section 2 of article 8 be amended to read as follows:

Section 2. One of the members of the council shall be nominated from each of the wards of the city and one from the city at large. All of the members shall be elected at large, by the qualified electors of the city. Each of the members of the council shall have been a citizen of the state and a resident and qualified elector of the city for a period of at least three (3) years immediately preceding the day of his election. The members nominated from the wards shall be residents of the wards from which they are nominated.

Council,
nomina-
tion and
election.

AND WHEREAS, The said proposed amendments to the charter of the city of Pasadena, so ratified are now submitted to the legislature of the State of California, for approval or rejection without power of alteration or amendment in accordance with section eight of article eleven of the constitution of the State of California.

STATE OF CALIFORNIA,

COUNTY OF LOS ANGELES,

CITY OF PASADENA,

} ss.

This is to certify that we, Thomas Earley, mayor of the city of Pasadena, and Heman Dyer, clerk of the city of Pasadena, have compared the foregoing proposed and ratified amendments to the charter of the city of Pasadena, with the original ordinance proposing such amendments and submitting the same to the qualified electors of said city at a special municipal election, called for that purpose on Friday the twenty-sixth day of February, nineteen hundred and nine, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are and each of them is true.

Certificate
of mayor
and
city clerk.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the corporate seal of the city of Pasadena to be attached this 1st day of March, nineteen hundred and nine.

THOMAS EARLEY,
Mayor of the City of Pasadena.

[SEAL]

HEMAN DYER,
City Clerk of the City of Pasadena.

Now, therefore, be it resolved by the senate of the State of California, the assembly thereof concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That the said amendments to the city charter of said city of Pasadena hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of said city be, and the same are hereby approved as a whole for, and as amendments to, the city charter of said city of Pasadena.

Approval
of legis-
lature.

CHAPTER 17.

Assembly Concurrent Resolution No. 10, approving the charter of the town of Berkeley, State of California, and the alternative proposition submitted therewith, voted for and ratified by the qualified voters of said town at a special municipal election held therein for that purpose on the 30th day of January, 1909.

[Adopted March 4, 1909.]

Charter of
the city of
Berkeley.
Preamble.

WHEREAS, The town of Berkeley, a municipal corporation of the county of Alameda, State of California, now is and was at all times herein referred to a city containing a population of more than ten thousand (10,000) inhabitants; and

WHEREAS, At a special election duly held in said town on the 21st day of November, 1908, 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 in and by said town by the qualified electors thereof, to prepare and propose a charter for the government of said town; and

WHEREAS, Said board of freeholders did, within ninety (90) days after said election, prepare and propose a charter for the government of said town of Berkeley; and

WHEREAS, Said charter was on the 14th day of December, 1908, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the board of trustees of said town of Berkeley, and the other copy with the county recorder of the said county of Alameda and filed in the office of the said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Berkeley Reporter" and in "The Berkeley Independent," each being a daily newspaper of general circulation in said town of Berkeley, and the said charter being published as aforesaid for a period of more than twenty (20) days, the first publication thereof being made within twenty (20) days after the completion of said charter; and

WHEREAS, Said proposed charter was within thirty (30) days after the completion of said publication submitted by the board of trustees of the town of Berkeley to the qualified electors of said town of Berkeley at a special election, previously duly called and therein held on the 30th day of January, 1909; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said town of Berkeley, voting at said special election, voted in favor of the ratification of said charter as proposed as a whole, excepting that a majority of said qualified electors voting at said election voted in favor of the ratification of the alternative proposition, which alternative proposition was thereafter chosen and substituted for sub-

division 29 of section 49, article IX of said proposed charter; and

WHEREAS, Said board of trustees, after canvassing said returns, found and declared that the majority of said qualified electors voting at said special election had voted for ratifying said charter as above specified; and

WHEREAS, The same is now submitted to the legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with section 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 BERKELEY PREPARED AND PROPOSED BY THE BOARD OF FREEHOLDERS ELECTED NOV. 21, 1908, IN PURSUANCE OF THE PROVISIONS OF SECTION 8, ARTICLE XI, OF THE CONSTITUTION OF THE STATE OF CALIFORNIA. Charter.

CONTENTS.

ARTICLE	I.—Name and rights of the city.
ARTICLE	II.—Boundaries.
ARTICLE	III.—Elections.
ARTICLE	IV.—The recall of elective officers.
ARTICLE	V.—Elective officers.
ARTICLE	VI.—The mayor.
ARTICLE	VII.—Executive and administrative departments.
ARTICLE	VIII.—The council.
ARTICLE	IX.—Powers of the city and of the council.
ARTICLE	X.—Finance and taxation.
ARTICLE	XI.—Public work and supplies.
ARTICLE	XII.—Franchises.
ARTICLE	XIII.—The initiative.
ARTICLE	XIV.—The referendum.
ARTICLE	XV.—The public schools.
ARTICLE	XVI.—Miscellaneous.

ARTICLE I.

NAME AND RIGHTS OF THE CITY.

Name of the city.

SECTION 1. The municipal corporation now existing and known as the town of Berkeley shall remain and continue a body politic and corporate in name and in fact, by the name of the city of Berkeley, and by such name shall have perpetual succession. Name and rights of city.

Rights and liabilities.

SEC. 2. The city of Berkeley shall remain vested with and continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

ARTICLE II.

BOUNDARIES.

SEC. 3. The boundaries of the city of Berkeley shall be as follows:

Bound-
aries.

Beginning at the point of intersection of the boundary line between Alameda county and Contra Costa county, California, with the eastern line of plot number eighty-three (83) as said plot is shown on Kellersberger's map of the subdivision of the rancho of Vicente and Domingo Peralta, of record in the office of the county recorder of Alameda county; thence southerly along the eastern line of said plot eighty-three (83) and plots eighty-two (82) and eighty (80) and along the prolongation of said eastern line of said plot eighty (80) southerly across plots seventy-eight (78) and seventy-seven (77) and along the line dividing plots seventy-four (74) and seventy-five (75), all of said plots being portions of the subdivision of said rancho of Vicente and Domingo Peralta, to a point one hundred and fifty (150) feet southerly from the northeast corner of said plot seventy-five (75) of said Kellersberger's subdivision of said rancho of Vicente and Domingo Peralta, and one hundred (100) feet southerly from the intersection of said line of said plot seventy-five (75) with the southern line of Russell street as located by survey, a map of which is recorded in the office of the county recorder of Alameda county, California, on page thirty-nine (39) of book nineteen (19) of maps, said point on said southern line of said Russell street being identical with the southern line of public road No. 3093 of Alameda county—commonly called the Tunnel road—at its point of beginning; thence easterly and southeasterly along a line one hundred (100) feet distant from and parallel with the said southern line of said county road No. 3093 to a point six hundred and sixty (660) feet distant southerly from and at right angles to the northern line of plot seventy-four (74) as per Kellersberger's subdivision of said rancho of Vicente and Domingo Peralta; thence easterly and parallel with said northern line of said plot seventy-four (74) to the eastern line thereof; thence southerly along the eastern boundary of said plot seventy-four (74) to the southeast corner thereof; thence westerly along the southern boundary of plots seventy-four (74) and seventy-six (76) of the rancho Vicente and Domingo Peralta and said line produced westerly to Claremont avenue; thence westerly across Claremont avenue to the point of intersection of the western line of said Claremont avenue with the southern line of the Colby tract as indicated on map of same, recorded on page 76 of map book No. 19, in the office of the county recorder of Alameda county; thence westerly along the southern line of the Colby tract to the eastern line of College avenue; thence westerly, crossing College avenue at right angles to same, to a point on the eastern boundary of the city of Oakland one hundred and twenty-five (125) feet westerly from the western line of College avenue;

thence northerly and parallel to College avenue to a point twenty and seven-tenths (20.7) feet at right angles southerly from the southern line of Woolsey street in the "Fairview Park"; thence westerly in a straight line to a point ninety-seven and fifty-hundredths (.9750) feet at right angles southerly from the southern line of Woolsey street in the Newbury tract, Berkeley, Cal., said point being on the prolongation in a straight line northerly of the eastern boundary of the Lorin Villa tract; thence southerly along said prolongation of said eastern line of said Lorin Villa tract, and along the eastern line of said Lorin Villa tract and said eastern line of said Lorin Villa tract produced in a straight line southerly to a point one hundred and thirty-five (135) feet southerly from the southern line of Alcatraz avenue; thence westerly and parallel with the said southern line of Alcatraz avenue to the line dividing plots numbers forty-six (46) and fifty-two (52) of Kellersberger's subdivision of the rancho of Vincente and Domingo Peralta; thence southerly along the said last line to a point on said line one hundred and thirty-five (135) feet southerly from the southern line of Todd street, as shown on map of Paradise Park; thence westerly and parallel with the southern line of Todd street to a point one hundred (100) feet westerly from the western line of Occidental street, as shown on said map of Paradise Park (said Occidental street being that street now known as California street); thence northerly and parallel with said California street to a point one hundred (100) feet southerly from the southern line of Alcatraz avenue; thence westerly and parallel with said southern line of Alcatraz avenue to a point one hundred and sixty (160) feet westerly from the western line of Idaho street, as shown on map of the Herzog tract; thence northerly and parallel with the said western line of said Idaho street, as shown on maps of the Herzog tract and of the Rock Island tract, to a point one hundred (100) feet southerly from the southern line of Blackstone street, as shown on map of the Rock Island tract; thence westerly and parallel with the southern line of said Blackstone street to a point one hundred (100) feet westerly from the western line of Mabel street as shown on map of the Carrison tract, if said western line of said Mabel street as located east of said Carrison tract were extended in a direct line southerly; thence northerly, and parallel with the said western line of said Mabel street and the extension thereof southerly, to a point one hundred (100) feet southerly from the southerly line of Haskell street, as shown on map of the Carrison tract; thence westerly and parallel with the said southern line of Haskell street to the eastern line of San Pablo avenue; thence northerly along the said eastern line of said San Pablo avenue, ninety-five (95) feet; thence westerly across San Pablo avenue to a point on the westerly line thereof distant one hundred and ten (110) feet northerly from the northern line of Union street, as said Union street is shown on map of the Villa homestead association; thence westerly and parallel with the said northern line of said Union street and parallel with the extension of said line of said Union street

Bound-
aries.

Bound-
aries.

to the western boundary of Alameda county; thence northerly and along the said western boundary of Alameda county to a point from which a line drawn easterly at right angles to the western line of First street, in tract "B" of the lands of the Berkeley land and town improvement association would intersect said western line of said First street at Codornices creek; thence easterly in a straight line to the point of intersection of the western line of said First street with Codornices creek; thence easterly along said creek to the corner common to lots 186 and 187 of Peralta Park, as shown on the map of the resubdivision of Peralta Park, filed August 29th, 1893, on page 4 of map book No. 15, in the office of the county recorder of Alameda county; thence northerly along the line dividing lots numbers 165 to 176 inclusive and numbers 178 to 186 inclusive on the east, and lots numbers 187 to 204 inclusive on the west to a point on the southern line of lot No. 162, all of said lots being of said resubdivision of Peralta Park; thence westerly along the northern boundary line of lot 204 to the corner common to lots 161 and 162, thence northerly along the line dividing said lots 161 and 162 as shown on said map of resubdivision of Peralta Park to the southern line of Posen avenue; thence northerly, crossing Posen avenue to a point on the northern line of same at the corner common to lots 116 and 117 of said resubdivision of Peralta Park; thence northerly along the line dividing lots 117, 107 and 94 on the west from lots 116, 108 and 93 on the east to the corner common to said lots 93 and 94, on the northern boundary of said Peralta Park; thence easterly along the northern line of Peralta Park to the southeasterly corner of lot number 1 in block number 16 as surveyed in "Northbrae, Berkeley, California," a map of which was filed in the office of the recorder of Alameda county on April 8th, 1907, on page 65 of map book No. 22; thence northeasterly in a straight line to a point on the northwesterly line of Monterey avenue as per map of "Northbrae," where said northwesterly line of Monterey avenue intersects the western line of that certain piece or parcel of land conveyed by George Sterling and Carrie R. Sterling to the Berkeley Development Company by deed dated October 13th, 1906, and recorded at page 92 in book of deeds number 1243; thence north 9 degrees 45 minutes west along the western line of said last named piece or parcel of land twenty-five hundred and fifty-eight (2558) feet, more or less, to the northwesterly corner of said piece or parcel of land; thence north 80 degrees 15 minutes east along the northerly line of said last named piece or parcel of land twenty-nine hundred and nineteen and 89-100 (2919.89) feet to a point in the center line of county road number 4398, said county road being also commonly known as Spruce street, and designated as "Spruce street" on map entitled "North Cragmont, Berkeley, Cal.," filed in the office of the county recorder of Alameda county on April 20th, 1908, on page 84 of map book number 23; thence southerly and following the center line of said county road No. 4398 to its intersection with "Sawyers partition line"; thence north 60 degrees 30 minutes

east along said "Sawyers partition line," said line being identical with the northern line of "Tuohys Second Addition," to the corner common to plots "Q" and "R" as shown on map entitled "Map of the undivided mountain and hill land of Vicente and Domingo Peralta rancho as partitioned by a decree of the third district court, March 2d, 1875," filed in the office of the county recorder of Alameda county, October 6th, 1875, on page 30 of map book number 19; thence south 5 degrees east along said line dividing said plots "Q" and "R" eleven hundred and sixteen and 72-100 (1116.72) feet to the northern line of Berkeley, as per description in charter adopted March 5th, 1895; thence easterly along said northern line of Berkeley as per charter adopted March 5th, 1895, said line being identical with the northern lines of plots eighty-four (84) and eighty-three (83) as per Kellersberger's map of the subdivision of the rancho of Vicente and Domingo Peralta, of record in the office of the county recorder of Alameda county, to a point on the line dividing Alameda county and Contra Costa county, said point being the most northern point on the boundary of said plot 83; thence southerly and southeasterly along said line between said Alameda and Contra Costa counties to the point of beginning.

Bound-
aries.

ARTICLE III.

ELECTIONS.

General and special municipal elections.

SEC. 4. A municipal election shall be held in the city on the first Saturday in May in the year 1909, and on the first Saturday in April in 1911 and on the first Saturday in April in every second year thereafter, and shall be known as the general municipal election. A second election shall be held, when necessary, as provided in subdivision 22 of section 5, on the third Saturday after said general municipal election, and shall be known as the second general municipal election.

Elections.

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.

SEC. 5. (1) 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.

(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 nomination petition.

(3) The petition of nomination shall consist of not less than twenty-five individual certificates, which shall read substantially as follows:

Elections.

PETITION OF NOMINATION.

INDIVIDUAL CERTIFICATE.

STATE OF CALIFORNIA, }
 COUNTY OF ALAMEDA, } ss.
 CITY OF BERKELEY. }

Prec. No.

I, the undersigned, certify that I do hereby join in a petition for the nomination of whose residence is at No. street, Berkeley, for the office of to be voted for at the municipal election to be held in the city of Berkeley 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, Berkeley, and that my occupation is

(Signed)

STATE OF CALIFORNIA, }
 COUNTY OF ALAMEDA, } ss.
 CITY OF BERKELEY. }

..... 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, Berkeley, Cal.

Forms to be supplied by the city clerk.

(4) It shall be the duty of the city clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

Requirements of certificate.

(5) 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 shall contain the name of one candidate and no more. Each signer must be a quali-

fied elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, nor, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each signer must verify his certificate and make oath that the same is true before a notary public or a verification deputy, as provided for in this 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. Electors

Verification deputies.

(6) 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 purpose whatsoever, and their appointments shall continue only until all petitions of nomination, under this section, shall have been filed by the city clerk.

Date of presenting petition.

(7) A petition of nomination, consisting of not less than twenty-five individual certificates for any one candidate, may be presented to the city clerk not earlier than forty-five days nor later than thirty days before the election. The clerk shall endorse thereon the date upon which the petition was presented to him.

Examination of petitions by city clerk.

(8) 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 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 council shall provide extra help to enable the clerk

Elections. to perform satisfactorily and promptly the duties imposed by this section.

Withdrawal of signature.

(9) 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.

(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 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.

(11) 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.

(12) 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.

(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 charter of Berkeley, and the council shall cause said certified list of names and the offices to be filled, designating whether for a full term or unexpired term, to be published in the proclamation calling the election at least ten successive days before the election in not more than two daily newspapers of general circulation published in the city of Berkeley. 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.

(14) 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: Elections.

General (or special) municipal election, city of Berkeley.

(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.

(15) All ballots printed shall be precisely of the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right hand side for charter amendments or other questions to be voted upon at the municipal 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 source of the candidacy or of the support of any candidate.

Every nominee to be on ballot.

(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.

Arrangement of offices on ballot.

(17) The offices to be filled shall be arranged in separate columns in the following order:

“For mayor (if any) vote for one.”

“For auditor (if any) vote for one.”

“For councilman (if any) vote for (giving number).”

“For school directors (if any) vote for (giving number).”

Space for voting cross.

(18) Half-inch squares shall be provided at the right of the name of each candidate wherein to mark the cross.

Blank spaces for additional candidates.

(19) Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Sample ballots.

Elections.

(20) 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.

(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 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.

(22) If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election, *provided*, that if there be any person who, under the provisions of this subdivision, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office.

The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such second election shall be declared elected to such office.

Date of second election.

(23) The said second election, if necessary to be held, shall be held three weeks after the first election.

Rules governing second election.

(24) All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that notice of election

need be published twice only, and provided also that the same Elections. precincts and polling places shall, if possible, be used.

Failure of person elected 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.

Informalities in election.

(26) No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

General election regulations.

SEC. 6. (1) 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.

Voting machines.

(2) In case voting machines shall be used at municipal elections, the council shall have power, by ordinance, to modify the provisions of section 5 so far as may be necessary to adapt them to the use of voting machines.

ARTICLE IV.

RECALL OF ELECTIVE OFFICERS.

Applies to all elective officers.

SEC. 7. (1) Every incumbent of an elective office, whether The recall. 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:

Petition for recall.

(2) 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 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 5 apply.

The recall.

(3) The provisions of section 5 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.

(4) 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 sixty days, the council may in its discretion postpone the holding of such election to such general municipal election.

Grounds of recall. Officer's justification.

(5) 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.

(6) 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 5.

Incumbent removed.

(7) 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.

(8) 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.

(9) 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.

(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 5 thereto.

ARTICLE V.

ELECTIVE OFFICERS.

The elective officers.

SEC. 8. The elective officers of the city shall be a mayor, an auditor, four councilmen, and four 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.

The board of education shall consist of the four school directors and the councilman appointed to be commissioner of finance and revenue, each of whom, including said commissioner, shall have the right to vote on all questions coming before the board.

Elected at large.

SEC. 9. The mayor, auditor, councilmen and school directors shall be elected at the general municipal election on a general ticket from the city at large.

Eligibility of mayor, auditor and councilmen.

SEC. 10. To be eligible for the office of mayor, auditor or councilman, a person must be a citizen of the United States and a qualified elector of the State of California and of the city of Berkeley.

Eligibility of school directors.

SEC. 11. To be eligible for the office of school director, a person must be a citizen of the United States of the age of twenty-one years and a resident of the city of Berkeley.

Vacancy in office of mayor, auditor or councilman.

SEC. 12. If a vacancy shall occur in the office of mayor, auditor or councilman, the council shall appoint a person to fill such vacancy. If at any municipal election held under subdivision 22 of section 5 of this charter a mayor, auditor 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 school director.

SEC. 13. 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 22 of section 5 of this charter a school director be not elected by reason of a tie vote among any of the candidates

Elective
officers.

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 the person so appointed shall hold office, subject to the provisions of the recall, until the next general municipal election.

Mayor's and auditor's term of office.

SEC. 14. The mayor and auditor shall each hold office for a term of two years from and after the first day of July after his election, and until his successor is elected and qualified.

Councilmen's term of office.

SEC. 15. The councilmen shall hold office for a term of four years from and after the first day of July 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 director's term of office.

SEC. 16. The school directors shall hold office for a term of four years from and after the first day of July 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 two of them for four years.

At each general municipal election after the first under this charter there shall be elected two school directors.

Official bonds.

SEC. 17. The mayor, auditor, each councilman and each school director shall, before entering upon the duties of his office, give and execute to the city a bond with a surety company as sole surety, the mayor and auditor each, in the penal sum of \$10,000, each councilman in the penal sum of \$5,000, and each school director in the penal sum of \$2500.

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 auditor and 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. Elective officers.

Oath of office.

SEC. 18. 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. 19. The mayor shall receive an annual salary of \$2,400, payable in equal monthly installments.

The auditor shall receive an annual salary of \$1,800, payable in equal monthly installments.

Each councilman shall receive an annual salary of \$1,800, payable in equal monthly installments.

Each school director shall receive five dollars for each regular meeting of the board of education which he shall attend, provided that he shall not receive more than \$15 in any one month.

Administering oaths. Subpoenas.

SEC. 20. 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 power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such officer, board or commission. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, 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 or 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 subpoena.

ARTICLE VI.

THE MAYOR.

The chief executive.

SEC. 21. The mayor shall be the chief executive officer of the city and shall see that all the ordinances thereof are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government. He shall see that all contracts made with the city are faithfully performed. The mayor.

*Mayor pro tempore.*The
mayor.

SEC. 22. 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 mayor, the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

Mayor's reports.

SEC. 23. 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.

Mayor to have city's books examined.

SEC. 24. The mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public 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.

SEC. 25. 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 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 and void and not binding upon the city. The city attorney on demand of the mayor, must institute and prosecute the necessary actions to enforce the provisions of this section.

Powers and duties prescribed by ordinance.

SEC. 26. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law and ordinance.

ARTICLE VII.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

The four municipal departments.

SEC. 27. 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:

Departments, executive and administrative.

1. Department of finance and revenue.
2. Department of public health and safety.
3. Department of public works.
4. Department of public supplies.

Council to assign duties to the departments.

SEC. 28. The council shall determine and assign the duties of the several departments, subject to the provisions of the preceding section; shall prescribe the powers and duties of officers and employees; may assign particular officers and employees to one or more of the departments; may require an officer or employee to perform duties in two or more departments, and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

The four commissioners.

SEC. 29. 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 and revenue, one to be commissioner of public health and safety, one to be commissioner of public works, and one to be commissioner of public supplies. If the council is unable to agree, the mayor shall have authority to make such designation. The council may change such designation, by ordinance or by resolution published for two days, whenever it determines that the public service will be benefited thereby.

The chief officials.

SEC. 30. The chief officials of the city shall be city clerk, assessor, treasurer, 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. The council, at any time when in its judgment the interests of the city so demand, may consolidate and place in the charge of one such officer the functions and duties of two or more of such officers. The council shall by ordinance prescribe the duties of all the chief officials.

Depart-
ments,
executive
and
adminis-
trative.

The council shall at the first regular meeting after the election of its members, or as soon thereafter as practicable, proceed 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.

SEC. 31. The council shall have power by ordinance 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.

SEC. 32. The compensation of all city officers provided for by section 30 of this charter, except library trustees, 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 by him into the city treasury.

Reports of departments.

SEC. 33. Each department and commission shall annually, on such date as may be fixed by the council, render to the mayor a full report of all the operations of such department or commission for the year.

Reports to be published.

SEC. 34. 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.

SEC. 35. No member of the council, except the commissioner of finance and revenue, who shall be ex officio a member of the board of education, shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected.

Officers not to be interested in contracts or franchises.

SEC. 36. No officer or employee 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 which shall be sold for taxes or assessments or by virtue of legal process at the suit of the city. No officer 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.

Departments, executive and administrative.

Any contract or agreement made in contravention of this section shall be void.

Any violation of the provisions of this section shall be deemed a misdemeanor.

The council shall enforce the provisions of this section by appropriate legislation.

Political and religious tests.

SEC. 37. No appointment to position under the city government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or services.

ARTICLE VIII.

THE COUNCIL.

The council, the governing body.

SEC. 38. 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.

The council.

President and vice-president.

SEC. 39. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

Meetings of council.

SEC. 40. 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 to be public.

SEC. 41. All legislative sessions of the council, whether regular or special, shall be open to the public.

*Quorum.*The
council.

SEC. 42. A majority of the members of the council shall constitute a quorum for the transaction of business.

Rules of proceeding.

SEC. 43. The council shall establish rules for its proceedings.

Ordinances and resolutions.

SEC. 44. (1) The council shall act only by ordinance or resolution.

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.

(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.

(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.

(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 Berkeley as follows:"

Requirements of an ordinance.

(6) To constitute an ordinance a bill must before final action thereon be passed to print and published with the ayes and noes for two 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 not less than one day.

Ordinances required in certain cases.

(7) No action providing for any specific improvements or the appropriation or expenditure of any public money, except sums less than five hundred dollars; for the appropriation, acquisition, sale or lease of public property; for the levying of any tax or assessment; for the granting of any franchise; for establishing or changing fire limits; or for the imposing of

any penalty, shall be taken except by ordinance; *provided*,^{The} that such exceptions be observed as may be called for in cases council. where the council takes action in pursuance of a general law of the state.

Reconsideration.

(8) 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.

Signing and attesting.

(9) All resolutions and ordinances shall be signed by the mayor and attested by the city clerk.

Revision and amendment.

(10) 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.

Repeal.

(11) No ordinance nor section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

Ordinances granting franchises.

(12) 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.

Record of city ordinances.

(13) A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "city ordinances." Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

Protection of absent commissioner.

SEC. 45. No final action shall be taken in any matter concerning the special department of any absent councilman unless such business has been made a special order of the day

The
council.

by action at a previous meeting of the council, or such action is taken at a regular meeting of the council.

Publication of charter and ordinances.

SEC. 46. The council, 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, together with or separately from the charter of the city and such provisions of the constitution and laws of the state as the council may deem expedient, to be published in book form.

ARTICLE IX.

POWERS OF THE CITY AND OF THE COUNCIL.

General powers of the city.

Powers
of city.

SEC. 47. Without denial or disparagement of other powers held under the constitution and laws of the state, the city of Berkeley shall have the right and power:

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, 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, street cleaning and sprinkling plants, quarries, wharves, docks, waterways, canals, and all other public buildings, places, works and institutions.

Water, light, heat and power.

(2) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate waterworks, gasworks, electric light, heat and power works, within or without the city, and to supply the city and its inhabitants and also persons, firms or corporations outside the city with water, gas and electricity.

Telephone, telegraph and transportation.

(3) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, cable, electric or other railways, ferries and transportation service of any kind.

Sale of products of public utilities.

(4) To sell gas, water, electric current and all products of any public utility operated by the city.

Land for public purposes.

(5) 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. ^{Powers of city.}

Lease of public utilities.

(6) To lease to corporations or individuals for the purpose of maintenance and operation any public utility owned by the city.

Bequests and donations.

(7) 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.

Borrowing money. Bonds.

(8) To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor; *provided*, that in the procedure for the creation and issuance of such bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

Special tax.

(9) To raise money by a special tax, in addition to the annual tax levy provided in section 57 of this charter. To authorize such special tax, the provisions of section 92 of article XIII relating to the initiative, or of section 94 of article XIV relating to the referendum, shall be followed, and the levy of such tax must be approved by at least two thirds of the qualified electors who vote thereon. At such election the council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to borrow such sum and provide in the next succeeding tax levy for its repayment with interest at not exceeding five per cent per annum. Or the council may be authorized to levy a special tax each year for a period of years not exceeding three years in all, for any permanent municipal improvement, and the money so raised may be expended each year after the same is collected and available.

Joint ownership of water supply.

(10) To join with one or more cities incorporated under the constitution and laws of the state in order to acquire and

Powers
of city.

develop jointly a source or sources of water supply 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.

Sue and defend.

(11) To sue and defend in all courts and places and in all matters and proceedings.

Direct legislation by people.

SEC. 48. 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 above general powers of the city or any of the specified powers of the council.

Powers of the council enumerated.

Powers
of council.

SEC. 49. As the legislative organ of the city, the council, subject to the provisions and restrictions of this charter, shall have power:

Official seal.

(1) To provide a corporate seal, with appropriate device, to be affixed to all instruments or writings needing authentication.

Violation of charter and ordinances.

(2) To prescribe fines, forfeitures and penalties for the violation of any provision of this charter or of any ordinance; but no penalty shall exceed five hundred dollars or six months' imprisonment, or both.

Nuisances.

(3) To provide for the summary abatement of any nuisance 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.

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 alarm systems.

(6) To establish and maintain a fire alarm and police telegraph or telephone system, and manage and control the same, and to appoint a superintendent thereof.

Explosives.

(7) To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, gun-cotton, nitroglycerine, fire-works and other explosive materials and substances. Powers of Council.

Inflammable materials.

(8) To regulate the storage of hay, straw, oil and other inflammable and combustible materials.

Engines and boilers.

(9) To regulate the use of steam engines, gas engines, steam boilers, and electric motors, and to prohibit their use in such localities as in the judgment of the council would endanger public safety.

Fire limits.

(10) To proscribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

Building regulations.

(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 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 used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

Fire escapes.

(12) To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

Precautions against fires.

(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 material in unsafe places, and to make provisions to guard against fires.

*Provisions for safety in theatres, halls, etc.*Powers
of council.

(14) To regulate the 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 obstructions in the hallways, aisles or open places therein.

Provisions for safety in streets.

(15) To regulate the speed of railroad trains, engines and cars passing through the city and the speed of cars of street or interurban railway companies using the public streets of the city, to require railroad companies to station flagmen, place gates or viaducts at all such street 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 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.

Improper use of streets.

(16) To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate and prevent the flying of banners, flags or signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets, and to require their removal.

Weeds and rubbish on sidewalks.

(17) To compel the owner or occupant of buildings or grounds to remove dirt, rubbish and weeds from the sidewalk opposite 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 buildings or grounds.

Billboards and signs.

(18) To regulate, license or prohibit the construction and use of billboards and signs.

Dogs.

(19) To regulate and prevent the running at large of dogs, to prevent dog fights in the streets, to provide for the destruction of vicious dogs, 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.

Public pound.

(20) 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. Powers
of council.

Cruelty to animals.

(21) 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.

Preservation of health.

(22) 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.

(23) 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 to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive and injurious noises.

Inspection of food products.

(24) To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

Dairies.

(25) 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.

(26) 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.*Powers
of council.

(27) To regulate the construction, repair and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, cleaning or emptying of the same, and to designate the time and manner in which the work shall be done.

Garbage.

(28) To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

Licensing businesses.

(29) To license for purposes of regulation and revenue all and every kind of business not prohibited by law to be 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.

Regulation of public vehicles.

(30) To establish stands for hacks, public carriages, express wagons, and other public vehicles for hire, and regulate the charges of such hacks, public carriages, express wagons and other public vehicles, and require schedules of such carriages to be posted in or upon such public vehicles.

Weights and measures.

(31) 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.

Public shows. Gambling.

(32) 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, 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 the selling of pools on races, and to authorize the destruction of all instruments used for the purpose of gambling.

Public order and decency.

(33) 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.

Taxation.

(34) To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided.

Erroneously collected taxes.

(35) To order the repaying by the treasurer of any taxes, percentages or costs erroneously or illegally collected, ^{Powers} of council.

Fees.

(36) To fix the fees and charges for all official services not otherwise provided for in this charter.

Mayor's urgency fund.

(37) 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.

(38) 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 monthly rent, after publication of notice thereof for at least one week, stating explicitly the time and conditions of the proposed lease; *provided*, that the council may in its discretion reject any and all bids.

Purchase of property under execution.

(39) To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

Sale of useless personal property.

(40) 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.

Trusts.

(41) To provide for the execution of all trusts confided to the city.

Street grades.

(42) To establish or change the grade of any street or public place.

Street work.

(43) To order the whole or any part of any street, avenue, lane, alley, court or place within the city of Berkeley to be graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, sewerred or re sewerred, and to order sidewalks, manholes, culverts, cess-pools, gutters, tunnels, curbing and crosswalks to be constructed therein, and to order breakwaters, levees or walls of rock or other material to protect the same and also any other work or improvement therein; to provide for the care of shade

Powers
of council.

trees planted therein and to cause shade trees to be planted, set out and cultivated therein; and also to order drainage or sanitary sewers or storm water sewers to be constructed on or through private property.

Whenever, in the judgment of the council or of the people, the cost and expense of any of the foregoing improvements is to be paid by special 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 proceedings shall be in conformity thereto.

Street opening.

(44) To order the opening, extending, widening, straightening or closing of any street, lane, alley, court or public place within the city or over tide lands and lands covered by the waters of San Francisco bay within the city, and to condemn and acquire any and all property necessary or convenient for that purpose.

Whenever in the judgment of the council or of the people, the cost and expense of any of the foregoing improvements is to be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto, except that all the duties of the commissioners and secretaries shall be performed by or under direction of the commissioner of public works of the city who shall receive no compensation therefor.

Light and water.

(45) To provide for the lighting of the streets, highways, public places, and public buildings and for supplying the city with water for municipal purposes.

Boulevards.

(46) 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 articles XIII and XIV.

Closed or abandoned streets.

(47) Whenever any street or portion of a street shall be abandoned or closed by ordinance, to convey by deed such street or portion of street so abandoned or closed, to the owners of the lands adjacent thereto in such wise the council shall deem that equity requires.

Water front and wharves.

(48) To improve, keep in repair and control the water front of the city, to fix the rates of wharfage, dockage, and tolls, and provide for the collection thereof, to license, regulate and control the landing, anchorage and moorage of steamboats, sail-in vessels, rafts, tugboats and all other water craft within the jurisdiction of the city. Powers
of council.

Regulation of public utility rates.

(49) 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 water, heat, light, power or telephonic service, supplied the city or to the inhabitants thereof, and to prescribe the quality of the service.

Regulation of street railroads.

(50) To regulate street railroads, their tracks and cars, to compel the owners of two or more such street 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 them.

Railroads to keep streets in repair.

(51) To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company.

Spur tracks.

(52) 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 railroads that may be built along the water front or with 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 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 of excavating and filling in a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer.

Such tracks must be laid 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.*Powers
of council.

(53) 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.

(54) To regulate the size and location of all water pipes, gas pipes, and all other pipes and conduits laid or constructed in the streets and public places, and to require the filing of charts and maps of such pipes and conduits.

Elections.

(55) To make all rules and regulations governing elections not inconsistent with this charter.

Civil service commission.

(56) 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 shall be filled, for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

Civic art commission.

(57) To establish a civic art commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Park commission.

(58) To establish a park commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Playground commission.

(59) To establish a playground commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Commission of public charities.

(60) To establish a commission of public charities and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Municipal ownership.

(61) To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities. Powers of council.

Additional powers.

(62) 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, and to exercise all powers not in conflict with the constitution of the state, with this charter or with ordinances adopted by the people of the city.

ARTICLE X.

FINANCE AND TAXATION.

The fiscal year.

SEC. 50. The fiscal year of the city shall commence upon the first day of July of each year, or at such other time as may be fixed by ordinance. Finance and taxation.

Tax system.

SEC. 51. The council shall by ordinance provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this charter.

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 Berkeley is situated and taxes collected by the tax collector of said county for and on behalf of the city of Berkeley. 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. 52. On or before the first Monday in April 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 and revenue 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.

Annual estimate of city's requirements and revenue.

SEC. 53. On or before the first Monday in May in each year or on such date in each year as shall be fixed by the council, the commissioner of finance and revenue 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 out-

Finance
and
taxation.

standing 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 budget.

SEC. 54. The council shall meet annually 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.

Board of equalization.

SEC. 55. The council shall meet at their usual place of holding meetings on the first Monday in August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day until the last Monday in August. They shall have power to hear complaints and to correct, modify, strike out or to raise any assessment, *provided* that notice shall be given to the party whose assessment is to be raised.

Annual tax levy.

SEC. 56. The council must finally adopt, not later than the first Tuesday in September, 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.

Limit of tax levy.

SEC. 57. The tax levy authorized by the council to meet the municipal expenses for each fiscal year shall not exceed, except as herein provided, the rate of one dollar on each one hundred dollars of the assessed value of all real and personal property within the city. The council in making the levy shall apportion not less than thirty-five cents to the school fund, unless the estimate of the board of education calls for a less amount. The remainder of such levy shall be placed in the general fund,

which may be apportioned by the council, except as otherwise provided in this charter. Finance
and
taxation.

Bond tax. Library tax.

SEC. 58. The council 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 to provide for the establishment and support of free public libraries and reading rooms.

Cash basis fund.

SEC. 59. The council 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 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 two and one-half 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 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 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.

SEC. 60. 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 as of the first Monday in March in 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 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.*FINANCE
AND
TAXATION.

SEC. 61. Money shall be drawn from the treasury only upon warrants as herein authorized. Every demand against the city from whatever source, including the school department and the free public library, when allowed by the council or proper board, shall be signed by the president and secretary or clerk of such body, and a warrant, numbered and dated the same as the demand issued and signed by the same officers, and both must, before it can be paid, be presented to the auditor, who shall satisfy himself whether the money is legally due and its payment authorized by law. If he allow it, he shall endorse upon the warrant the word "allowed," and the date of such allowance, and sign his name thereto. No demand shall be approved, allowed, audited or paid unless it specify each special item, and the date thereof. It shall be the duty of the auditor to be constantly acquainted with the exact condition of the treasury. 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 appropriated, and forthwith notify the treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officers, all licenses and other receipts, charging them therewith, and taking their receipt therefor. He shall on the first Monday of each month, or oftener if required, report in writing to the council the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which he shall 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, and draw all warrants on the treasury. He shall perform such other duties as may be required of him by this charter or by ordinance.

Money to meet warrants.

SEC. 62. When the running expenses of the city have been placed on a cash basis, warrants payable on demand shall 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.

Disposition of money collected.

SEC. 63. Every officer collecting or receiving any moneys belonging to or for the use of the city shall settle for the same with the auditor on or before the last day of each month, or at more frequent intervals as may be directed by the council, and immediately pay all the same into the treasury, on the

order of the auditor, for the benefit of the funds to which such moneys severally belong. When the last day of the month falls upon Sunday or a legal holiday, the said payments shall be made on the next preceding business day. The council may provide, in its discretion, for the deposit of the city moneys in banks in accordance with the state law.

Finance
and
taxation.

Uniform accounts and reports.

SEC. 64. The council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse moneys. Whenever an act shall be passed by the state legislature calling for uniform municipal reports, the city authorities shall be governed thereby.

ARTICLE XI.

PUBLIC WORK AND SUPPLIES.

Form of contracts.

SEC. 65. 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 Berkeley 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.

Public
work and
supplies.

Progressive payments on contracts.

SEC. 66. Any contract may provide for progressive payments, if in the ordinance 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.

Public work to be done by contract.

SEC. 67. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays or water front, or in or about embankments or other 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 five 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 in the official newspaper. Such notice shall distinctly and specifically state the work contemplated to be done. *Provided,*

Public
work and
supplies.

however, the council may reject any and all bids, if deemed excessive, and 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 official advertising.

SEC. 68. The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year; *provided*, that the council 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."

Contracts for lighting.

SEC. 69. No contract for lighting streets, public buildings, places or offices shall be made for a longer period 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.

SEC. 70. 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 other consumers.

Hours of labor.

SEC. 71. 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.

SEC. 72. 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 willfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to 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.

Public
work and
supplies.

Collusion by bidder.

SEC. 73. 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 with any other party or parties for the purpose of preventing any other bid being made, 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.

ARTICLE XII.

FRANCHISES.

Property rights of the city inalienable.

SEC. 74. 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.

Franchises.

No use of streets without a franchise.

SEC. 75. 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 or 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.

Franchises to use streets.

SEC. 76. 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 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.

Applications for franchises.

SEC. 77. (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

Franchisees.

proposed to grant the same, in the official newspaper of the city. The publication of such advertisement must run for ten successive days 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.

(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 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 ten years, not less than three per cent during the second ten years, not less than four per cent during the third ten years, and not less than five per cent for the rest of the life of the franchise.

Bidding for the 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.

(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.

Franchises.

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 shall, 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.

Life of franchises.

Sec. 78. The maximum length of time for which a franchise or privilege to use the streets, highways, waters, or other public places of the city may be granted to any person, firm or corporation shall be thirty-five (35) years.

Beginning and completion of work.

Sec. 79. 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 if not so commenced within said time, said franchise shall be forfeited. Work under any franchise so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, which time shall be not more than three years from the date of the final passage of the ordinance granting said franchise, and if not so completed 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.

Service and accommodation.

Franchises.

SEC. 80. 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.

SEC. 81. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise. The grant of every franchise for a street, suburban or interurban railroad shall provide that all United States mail carriers and all officials, policemen and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city without paying therefor and with all the rights of other passengers.

Right of city to assume ownership.

SEC. 82. 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. 83. 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. Franchises.

Lease or assignment of franchise.

SEC. 84. Any franchise granted by the city shall not be leased, assigned or otherwise alienated without the express consent of the city, 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.

Street sprinkling, cleaning and paving.

SEC. 85. 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.

Examination of company's books. Audit.

SEC. 86. The city of Berkeley, by its auditor, deputy 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 persons, 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 at the end of each year.

Annual report of company.

SEC. 87. 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.

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 Berkeley for the year immediately preceding such report.

Franchise.

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.

SEC. 88. The stipulated percentage of gross receipts shall be paid annually at the time of filing the 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.

SEC. 89. 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.

Reservation for belt lines.

SEC. 90. No exclusive right or privilege shall ever be granted by the city or council in, to or upon the bed of the bay of San Francisco beyond the line of mean low tide; nor shall any structure be erected thereon so as to prevent the construction and operation of belt lines of railroads along the water front; and any franchise or permit for a railroad track in, over or upon the bed of the bay of San Francisco shall be subject to the right of any other railroad or railroad company to use the same upon payment of a reasonable compensation therefor.

Franchise not in use forfeited.

SEC. 91. 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.

ARTICLE XIII.

THE INITIATIVE.

Direct legislation.

SEC. 92. (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. ^{The} _{initiative.}

Provisions of section 5 apply.

(2) The provisions of section 5 of article III 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.

Fifteen per cent petition.

(3) If the petition accompanying the proposed ordinance be signed by electors equal in number to fifteen 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:

(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 XIV of this charter); or,

(b) Within twenty-five days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance without alteration shall be submitted to a vote of the people.

Five per cent petition.

(4) If the petition be signed by electors equal in number to at least five, but less than fifteen, per centum or 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 twenty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

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

The
initiative.

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 the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballots as first above provided.

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.

(7) Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this article.

Limit to special 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.

(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.

(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 5 of article III thereto.

ARTICLE XIV.

THE REFERENDUM.

Mode of protesting against ordinances.

The refer-
endum.

SEC. 93. No ordinance passed by the council shall go into effect before thirty days from the time of its final passage except when otherwise required by the general laws of the state or by the provisions of this charter respecting street improve-

ments, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a four-fifths vote of the council; *provided*, that no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote herein provided. If during said thirty days 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, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance, and if the same be not entirely repealed, the council shall submit the ordinance, as is provided in article XIII 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 5 of article III 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.

The refer-
endum.

Reference of measures to popular vote.

SEC. 94. 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 legally be 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.

Further regulations.

SEC. 95. 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 5 of article III thereto.

ARTICLE XV.

THE PUBLIC SCHOOLS.

*The board of education.*Public
schools.

SEC. 96. The board of education shall have entire control and management of the public schools in the city in accordance with the constitution and general laws of the state, and is hereby vested with all the powers and charged with all the duties provided by this charter and by the general laws of the state for city boards of education.

President of the board.

SEC. 97. The board of education shall annually elect one of its own members to be president of the board. He may be removed by the affirmative vote of four members. The president shall have no other vote than his vote as member of the board.

Meetings.

SEC. 98. The board of education shall meet at such times as may be designated by resolution of said board and in the place provided therefor by the council. The board shall provide the manner in which special meetings shall be called.

Quorum.

SEC. 99. Three members of the board shall constitute a quorum, and the affirmative votes of three members shall be necessary to pass any measure, but a less number than three may adjourn from day to day and compel the attendance of absent members in such manner as the board may prescribe.

Rules of proceedings.

SEC. 100. The board of education may determine the rules of its proceedings.

Meetings to be public.

SEC. 101. All meetings of the board of education shall be public.

Superintendent of schools.

SEC. 102. The board of education shall appoint a superintendent of schools and fix his compensation.

Powers and duties of the superintendent.

SEC. 103. The superintendent of schools shall be the executive officer of the board of education, and he shall give his full time to the duties of his office. He shall be subject only to the board of education, and all orders of the board relating to the direction of the principals, teachers and janitors shall be given through him. He must examine all plans for the

construction or reconstruction of school buildings and report in writing to the board any objections he may find thereto. He shall have supervision of the course of instruction and of the discipline and conduct of the schools. He, or a deputy superintendent, may be required to act as secretary of the board of education.

Public
schools.

Powers of superintendent with reference to teachers.

SEC. 104. The superintendent of schools shall nominate and recommend all teachers and principals for election by the board of education. He shall assign all teachers and principals and make all transfers necessary to the successful operation of the schools.

Election of teachers.

SEC. 105. The board of education shall elect all teachers, but only from a list of candidates nominated and recommended by the superintendent of schools. The board of education may make rules in accordance with which the superintendent must make such nominations and recommendations.

Tenure of teachers.

SEC. 106. 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 shall be elected for a term of three years.

School warrants.

SEC. 107. 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 indorsed thereon, signed by the president and secretary, and a warrant upon the school fund shall be issued thereon for the payment of such claim. Said warrant shall be signed by the president and countersigned by the secretary and shall specify the purpose for which it is drawn and receive the approval of the auditor as provided in section 61.

Annual estimate of expenses.

SEC. 108. The board of education shall annually, on such date as shall be fixed by the council, submit in writing to the council a careful estimate of the whole amount of money to be received from the state and county for the support of the public schools in the city, together with a careful estimate of the amounts, specifying in detail the objects thereof, required from the city for the adequate support of the public schools for the ensuing year. The amount estimated to be required from the city shall, subject to the provisions of this charter, be assessed and collected in the annual tax levy. The proceeds of such tax shall be immediately paid into the school fund of the city, to be drawn out only upon the order of the board of education.

ARTICLE XVI.

MISCELLANEOUS.

When this charter takes effect.

Miscellaneous.

SEC. 109. For the purpose of nominating candidates and electing mayor, auditor, 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 all other purposes it shall take effect on the first day of July, 1909.

First election under this charter.

SEC. 110. The board of trustees of the town of Berkeley 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.

SEC. 111. The members of the board of trustees, the auditor, 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 election and qualification of the mayor, auditor, councilmen and school directors, respectively, first elected under this charter.

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.

Existing ordinances continued in force.

SEC. 112. 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. 113. The city attorney shall prosecute, in behalf of the people, all criminal cases arising from violations of the provisions of this charter and the ordinances of the city, and shall attend to all suits and proceedings in which the city may be legally interested; *provided*, the council shall have control of all litigation of the city and may employ other attorneys to take charge of any litigation or to assist the city attorney therein.

Violation of charter and ordinances.

SEC. 114. The violation of any provision of this charter or of any ordinance of the city shall be deemed a misdemeanor, and may be prosecuted by the authorities of the city in the name of the people of the State of California, or may be

redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of a provision of this charter or of an ordinance may be imprisoned in the city jail, or, if the council by ordinance shall so prescribe, in the county jail of the county in which the city of Berkeley is situated, in which case the expense of such imprisonment shall be a charge in favor of such county against the city of Berkeley.

CERTIFICATE.

WHEREAS, The town of Berkeley, a city containing a population of more than ten thousand and less than one hundred thousand inhabitants, on the twenty-first day of November, nineteen hundred and eight, 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 R. A. Berry, C. A. Blank, J. W. Flinn, F. W. Foss, John M. Foy, Beverly L. Hodghead, Christian Hoff, William Carey Jones, E. E. Newton, J. T. Renas, J. W. Richards, J. T. Short, J. L. Tisdale, Benjamin Ide Wheeler and S. N. Wyckoff a board of fifteen freeholders to prepare and propose a charter for said city;

Certificate
of board
of free-
holders.

BE IT KNOWN, That in pursuance of said provisions 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 Berkeley, and that in submitting and proposing such charter, the board of freeholders, pursuant to said provision of the constitution, also presents therewith for the choice of the voters, and to be voted on separately, without prejudice to the other provisions contained in the charter, an alternative proposition hereinafter stated.

Said alternative proposition shall, if approved by the voters, take the place of subdivision 29 of section 49, article IX of the proposed charter, which reads as follows: "To license for purposes of regulation and revenue all and every kind of business not prohibited by law to be 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."

Alterna-
tive
propo-
sition.

Said alternative proposition shall be submitted to the voters for their approval or rejection at the same election at which the charter shall be submitted, and upon the ballots shall be printed: "Shall the alternative proposition, prohibiting the sale of liquor, take the place of subdivision 29, section 49, article IX?"

Said alternative proposition is as follows:

ALTERNATIVE PROPOSITION.

(29) To license for purposes of regulation and revenue all and every kind of business not prohibited by law to be transacted or carried on in the city; to fix the rates of licenses upon

Business
Licenses.

Business
licenses.

the same, and to provide for the collection thereof by suit or otherwise; *provided, however*, that the council shall have no power to license the sale of any spirituous, malt, vinous or alcoholic liquors; and every person who, within the boundaries of the city of Berkeley, sells, barter, gives away or exposes for sale any such liquors, shall be deemed guilty of a misdemeanor. Nothing in this section shall prevent the council from regulating the sale of such liquors by a regularly licensed druggist for medicinal purposes upon the written prescription of a practicing physician entitled to practice medicine under the laws of the State of California, or the sale of such liquors for chemical, mechanical or scientific purposes.

IN WITNESS WHEREOF, We have hereunto set our hands in duplicate this fourteenth day of December, one thousand nine hundred and eight.

WM. CAREY JONES, President.
R. A. BERRY.
C. A. BLANK.
F. W. FOSS.
JOHN M. FOY.
BEVERLY L. HODGHEAD.
C. HOFF.
E. E. NEWTON.
J. T. RENAS.
J. W. RICHARDS,
J. T. SHORT.
J. L. TISDALE.
BENJ. IDE WHEELER.
S. N. WYCKOFF.
J. W. FLINN, Secretary.

Attest:

STATE OF CALIFORNIA, }
COUNTY OF ALAMEDA, } SS.
TOWN OF BERKELEY. }

Certificate
of presi-
dent and
clerk of
board of
trustees.

I, FRANCIS FERRIER, president of the board of trustees of the town of Berkeley, State of California, do hereby certify that the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 21st day of November, 1908, at a special municipal election held in said town of Berkeley on said day, duly elected by the qualified electors of said town to prepare and propose a charter for said town; that each of said freeholders had been a qualified elector and freeholder in said town for more than five (5) years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as president of said board of trustees within ninety (90) days after said election, as required by section 8 of article XI of the constitution of this state; that said proposed charter was then published in the "Berkeley Reporter" and in "The Berkeley Independent," which then were daily newspapers of general circulation in said town, and that publication was made for more than twenty (20) days, and that the first publication of said pro-

posed charter was made within twenty (20) days after the completion of said charter; that within thirty (30) days after the publication of said charter, as required in said section 8, to wit, on the 30th day of January, 1909, said charter was submitted at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed charter and the alternative proposition submitted therewith; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole, excepting that the alternative proposition therein contained, being separately voted on, was ratified by a majority of such votes and was thereafter chosen and substituted for subdivision 29 of section 49 of article IX of said proposed charter; that the returns of said election were duly canvassed by the board of trustees of said town of Berkeley on the 3d day of February, 1909, and the result thereof declared as above set forth; and that in all matters and things pertaining to said proposed charter, all provisions of said section of the constitution and the laws of the State of California pertaining to the adoption of 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 town of Berkeley to be affixed this 3d day of February, 1909.

FRANCIS FERRIER,

[SEAL.] President of the Board of Trustees of
the Town of Berkeley.

Attest: J. V. MENDENHALL.

Town Clerk of said Town of Berkeley.

AND, WHEREAS, Said proposed charter, with said alternative proposition so ratified, has been duly presented and submitted to the legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with section 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 town of Berkeley, including said alternative proposition, as presented to, adopted and ratified by the qualified electors of said town, be, and the same is hereby, approved as a whole as and for the charter of the said town of Berkeley.

Approval
of legis-
lature.

CHAPTER 18.

Assembly Concurrent Resolution No. 11, approving the charter of the city of Richmond, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 9th day of February, 1909.

[Adopted March 4, 1909.]

Charter of
city of
Rich-
mond.
Preamble.

WHEREAS, The city of Richmond, a municipal corporation of the county of Contra Costa, State of California, now is and was at all times herein referred to a city containing a population of more than three thousand five hundred (3,500) but less than ten thousand (10,000) inhabitants; and

WHEREAS, At a special election duly held in said city on the 12th day of October, 1908, 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 in and by said city and 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 (90) days after said election, prepare and propose a charter for the government of said city of Richmond; and

WHEREAS, Said charter was on the 23rd day of December, 1908, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the board of trustees of said city of Richmond, and the other copy with the county recorder of the said county of Contra Costa and filed in the office of the said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Richmond Record" being a daily newspaper of general circulation, printed and published in said city of Richmond, and the said charter being published as aforesaid for a period of more than twenty (20) days, the first publication thereof being made within twenty (20) days after the completion of said charter; and

WHEREAS, Said proposed charter was within thirty (30) days after the completion of said publication submitted by the board of trustees of the city of Richmond to the qualified electors of said city of Richmond at a special election, previously duly called and therein held on the 9th day of February, 1909; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city of Richmond, voting at said special election, voted in favor of and duly ratified said charter as proposed as a whole; and

WHEREAS, Said board of trustees, after canvassing said returns, duly found and declared that the majority of said, qualified electors voting at said special election had voted for and ratified said charter as above specified; and

WHEREAS, The same is now submitted to the legislature of the State of California for its approval or rejection as a whole without power of alteration or amendment, in accordance with the provisions of section 8 of article XI of the constitution of the State of California; and

WHEREAS, Said charter so ratified is in the words and figures following, to wit:

CHARTER OF THE CITY OF RICHMOND.

PREPARED AND PROPOSED BY THE BOARD OF FREEHOLDERS, ELECTED OCTOBER 12TH, 1908, IN PURSUANCE OF THE PROVISIONS OF SECTION 8, ARTICLE XI OF THE CONSTITUTION OF THE STATE OF CALIFORNIA.

CONTENTS.

ARTICLE	I--Boundaries.
ARTICLE	II--Powers.
ARTICLE	III--The council.
ARTICLE	IV--Duties of officers.
ARTICLE	V--Elections.
ARTICLE	VI--School department.
ARTICLE	VII--Police court.
ARTICLE	VIII--The recall, initiative and referendum.
ARTICLE	IX--Miscellaneous.
ARTICLE	X--Charter to take effect, certificate.

ARTICLE I.

BOUNDARIES OF THE CITY.

SECTION 1. The municipal corporation now existing and organized under the general laws of the State of California as a municipal corporation of the sixth class, and known as the city of Richmond, shall continue to be a body corporate and politic under the name of the city of Richmond, and shall be a continuation of said city of Richmond, and continue to hold and enjoy all of the rights, privileges and property now vested in said city, and all ordinances of said city not in conflict with this charter shall be continued in force until amended or repealed; and all proceedings providing for any public improvement pending and incompleated shall be continued in accordance with the law under which such proceedings were commenced.

SEC. 2. The territory of the city of Richmond shall be all that which is embraced within the following boundaries, to wit: Beginning at the point where the westerly boundary of said Contra Costa county intersects the line between townships one (1) and two (2) north, Mount Diablo base; and thence running east to the southeast corner of lot twenty-eight (28) of section thirty-five (35) of township two (2) north, range five (5) west, M. D. B. and M.; thence south parallel with the west line of section two (2) of township one (1) north of range five (5) west, M. D. B. and M. to a point due west of the southwest corner of lot eighty-five (85) of the San Pablo rancho as shown on the map accompanying the final decree

Bound-
aries.

of partition of said rancho: thence east to a point one hundred and seventy (170) feet east of the center line of road fourteen (14) as shown on said map; thence south to the southerly boundary of said Contra Costa county; thence following the boundary line of said Contra Costa county westerly and northerly to the place of beginning.

SEC. 3. The boundaries above described may be altered and the territory embraced therein may be added to or diminished in accordance with the laws of the State of California governing the annexation and exclusion of territory by municipalities.

ARTICLE II.

POWERS.

Powers
of city.

SECTION 1. The city of Richmond shall have and exercise the following powers:

1. To have perpetual succession.
2. To have and use a corporate seal and alter it at pleasure.
3. To sue and be sued in all courts and places, and in all actions and proceedings whatsoever.
4. To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description, both within and without the limits of said city, proper for municipal purposes, and to control and dispose of the same for the public benefit.
5. To receive bequests, devises and donations of property of every kind, either absolutely or in trust for any purpose, and to do acts necessary to carry out the purposes of such bequests, devises and donations, and to manage, control, sell or otherwise dispose of such property in accordance with the terms of such bequests, devises or donations.
6. To exercise police powers and make all necessary police and sanitary regulations, and to adopt ordinances and prescribe penalties for the violation thereof.
7. To levy and collect taxes and assessments, impose license fees for revenue or regulation, and provide all means for raising the revenue necessary for the city.
8. To borrow money, incur municipal indebtedness and provide for the issuance of bonds or other evidences of such indebtedness for any purpose authorized by the electors voting on the proposition to incur such indebtedness; to invest the proceeds arising from the sale of bonds in street improvement bonds issued under any act of the legislature.
9. To construct, maintain and operate all necessary works for the supplying of the city and its inhabitants with water, light, heat and power, and to dispose of commodities produced or render service in connection with such works outside of the boundaries of said city.
10. To control the bays, inlets and channels flowing through the city or adjoining the same, to widen, straighten and deepen the same where such work is necessary for the purposes of sanitation, drainage or removal of sewage; to fill the same when they are obstructions to proposed streets or roads; to control and improve the water front of the city and to main-

tain embankments and other works necessary to protect the city from overflow; to construct and maintain wharves, chutes, piers and breakwaters within the limits of the city. Powers of city.

11. To establish and change the grade and lay out, open, extend, widen, change, vacate, pave, repave or otherwise improve all public streets and highways and public places, construct sewers, drains, bridges, conduits, culverts and subways thereon or thereunder, to plant trees, construct parking, and to remove weeds; to levy special assessments to defray the whole or any part of the cost of such works or improvements. Also to provide for the repair, cleaning and sprinkling of such streets and public places.

12. To construct and maintain all works necessary for the disposition of the sewage, garbage and waste within the city, and to define and abate nuisances.

13. To establish and maintain hospitals, indigent homes and all other charitable institutions.

14. To acquire and maintain parks, playgrounds and places for recreation.

15. To acquire and maintain markets, baths and public halls.

16. To establish and maintain schools, libraries, museums, gymnasiums, and to do all things to promote the education of the people.

17. To equip and maintain a fire department and to make all necessary regulations for the prevention of fires.

18. To acquire, construct and maintain all buildings necessary for the transaction of public business.

19. To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind for any public use.

20. To grant franchises to use the streets or public property, and impose conditions in connection therewith.

21. To exercise any power conferred upon municipalities by the constitution and laws of the state to fix and establish rates to be charged by any corporation for any public service and to regulate the quality of such service.

22. To exercise such other powers as may be hereafter granted by the legislature to municipalities within the state.

23. To exercise all other needful powers for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not.

24. Lastly, this grant of power is to be liberally construed for the purposes of securing the well being of the municipality and its inhabitants.

ARTICLE III.

THE COUNCIL.

SECTION 1. All powers herein granted to and vested in the city of Richmond, shall, except as herein otherwise provided, be exercised by a council to be designated the council of the city of Richmond; and said council shall, except as herein The council, powers of.

otherwise provided, have the power to fix and establish the method and manner in which such powers shall be exercised.

Member-
ship.

SEC. 2. Said council shall be composed of nine members, each of whom shall have been an elector of the city of Richmond for at least one year next preceding his election.

The members of said council shall be known as councilmen, and their terms of office shall be six years commencing on the first day of July next succeeding their election, except that the terms of those first elected to serve as councilmen shall be as herein provided.

First
election.

SEC. 3. On the second Monday of May, 1909, an election shall be held within said city for the purpose of electing nine members of said council.

The nine members elected at such election shall, at the first regular meeting in July, 1909, so classify themselves by lot that three of said members shall hold office for the term of two years, three for the term of four years, and three for the term of six years.

Annual
elections.

Thereafter, on the second Monday in May, of each odd-numbered year, an election shall be held at which the three councilmen shall be elected to succeed the three members whose terms expire on the first day of July next following; also to elect a member for any unexpired term that may exist.

The electors, in form and manner prescribed in section two of article VIII, may by ordinance provide for the division of the city into districts or wards and require that one councilman to be elected at each election shall be a resident of each ward at the time of his election; *provided* that all councilmen shall be voted for at large.

Per diem.

SEC. 4. The councilmen shall each receive the sum of five dollars for each day while sitting as a board of equalization; but no other compensation shall be paid unless the electors, by ordinance proposed and adopted in accordance with section two of article VIII, shall otherwise provide.

Rules.

SEC. 5. Said council shall fix the time and place for its regular meetings and adopt rules to govern its proceedings.

Quorum.

SEC. 6. Five members of the council shall be necessary to constitute a quorum for the transaction of business; but a less number may adjourn from time to time and compel the attendance of absent members, and impose such fines as it may deem proper upon members refusing or neglecting to attend such meetings.

Vote on or-
dinances.

SEC. 7. No ordinance shall be passed, no officer appointed or removed, no contract shall be awarded and no obligation incurred by the city in excess of three hundred dollars without the affirmative vote of at least five members of the council.

Mayor.

SEC. 8. Said council shall elect one of its number as its presiding officer, who shall be known as mayor, to serve for one year after his election. In the absence or disability of the mayor, a mayor pro tem. shall be elected.

The said mayor shall preside at all meetings of the council, shall be the chief executive of said city, and as such shall sign all contracts on behalf of the city, and perform such other

duties as may from time to time be assigned to him by the council. In all other respects he shall perform the same duties as any other member of the council.

SEC. 9. The council shall appoint or provide for the appointment of a clerk, treasurer, auditor, tax collector, assessor, attorney, engineer, chief of police, and except as otherwise provided, such other officers, boards or commissions, as may be necessary for the transaction of the affairs of the municipality. It shall also appoint a commissioner of health and city physician each of whom shall be a physician licensed to practice medicine.

Appoint-
ment of
officers.

SEC. 10. A vacancy in the council shall be filled by a majority of the remaining members. Such appointees shall hold office until the first day of July succeeding the next election at which councilmen are to be elected. At the next election succeeding any vacancy a councilman shall be elected to serve for the unexpired term.

Vacancies.

SEC. 11. The council shall by ordinance provide for the assessment, levy and collection of taxes, and shall act as a board of equalization in equalizing the value of property listed upon the assessment roll. During the month of September in each year, it shall levy such tax as may be necessary to raise revenue for the maintenance of the city and the several departments during the fiscal year, but such tax levy for all municipal purposes except the payment of interest and principal on any bonded debt and in support of the public schools, shall not exceed the sum of sixty cents upon each \$100.00 of assessed valuation as the same appears upon the assessment roll. If in the judgment of the council it should be necessary to provide a revenue in excess of the sum realized from the levy herein provided, the question of the levy of an additional tax shall be submitted to the electors and a special election may be held for that purpose. The additional sum or rate required to be raised by such additional tax levy shall be expressed upon the ballot. If a majority of the votes cast upon such proposition shall be in favor of authorizing the council to levy such additional rate, then the council may levy the additional tax so authorized.

Revenue
and
taxation.

ARTICLE IV.

DUTIES OF OFFICERS.

SECTION 1. *Clerk*—It shall be the duty of the clerk to keep a true record of the proceedings of the council and record the same in proper books kept for that purpose. He shall have power to administer oaths in connection with all matters relating to the municipality.

Duties of
officers.
Clerk.

SEC. 2. *Auditor*—It shall be the duty of the auditor to act as bookkeeper and accountant of the municipality and shall record all financial transactions in books kept for that purpose. He shall draw warrants upon the city treasurer for all claims against the city which have been allowed by the council. He

Auditor.

shall render each month a statement to the council showing the financial condition of the city, and annually a like statement covering all of the financial transactions of the city during the year previous.

Tax collector.

SEC. 3. *Tax collector*—It shall be the duty of the tax collector to receive and collect all moneys due the city for taxes and licenses and from other sources, and shall pay all moneys received into the treasury of the city, within twenty-four hours after the receipt thereof.

Treasurer.

SEC. 4. *Treasurer*—The treasurer shall receive and safely keep all moneys belonging to the city and shall pay the same only upon warrants drawn by the auditor for claims which have been previously allowed by the council or board of education, *provided* that the approval of the council shall not be necessary to pay the monthly salaries of employees. The treasurer may deposit all or such portion of the public moneys as may be determined by the council, in any bank authorized by law to receive deposits of public money, in accordance with the provisions of the constitution and act of the legislature entitled: "An act to provide for and regulate the deposit of county and municipal moneys in banks and banking corporations, limiting the amount of public moneys that may be deposited therein and providing a penalty for the illegal deposit and use thereof." (Approved March 23, 1907.) And the provisions of such act are hereby made applicable to the government of the city of Richmond.

ASSESSOR.

SEC. 5. *Assessor*—It shall be the duty of the assessor to make annually, a complete assessment of all property liable for taxation within the city between the first Monday of March and the first Monday of July next succeeding, and shall upon said last named date turn over to the city council the assessment roll so prepared by him. He shall act as tax collector for the purpose of collecting taxes upon personal property when the same are unsecured by a lien upon real estate.

Attorney.

SEC. 6. *Attorney*—The attorney shall act as the legal adviser of the council and any officer of the city who requests his advice. He shall prepare all ordinances and contracts whenever required so to do by the council. He shall prosecute all violators of the city ordinances and shall represent the city in all actions.

Engineer.

SEC. 7. *Engineer*—The city engineer shall advise the council upon all matters of an engineering nature. He shall also be ex officio superintendent of streets.

Chief of police.

SEC. 8. *Chief of police*—The chief of police shall be the head of the police department and shall perform such duties as the council may impose.

Commissioner of health.

SEC. 9. *Commissioner of health*—The commissioner of health shall have and exercise a general supervision over the sanitary condition of the city and shall issue all orders and directions for the enforcement of all sanitary laws and regulations; he shall enforce all laws of the state and ordinances of the city, and all rules and regulations of the department of health in relation to the sanitary matters; to make or cause

to be made frequent analyses and examinations of milk and cream, meat, water and food stuffs and keep a record of the same and cause all nuisances to be abated with reasonable promptness, and in the performance of his duties shall be permitted at all times to enter any house, store, stable or building, may cause floors to be raised if necessary, and make thorough examination of cellars, vaults, sinks and drains; he shall impose such restrictions upon and exercise supervision of all persons exposed to, afflicted or sick with smallpox, scarlet fever or any contagious or epidemic disease as shall be necessary to protect from such disease all persons not of necessity connected with any person so exposed, afflicted, or sick; he shall have power to cause any house or premises to be cleaned, disinfected or closed to visitors and prohibit persons from resorting thereto while such house is under quarantine; he may, by an order in writing, direct any nuisance to be abated, or unwholesome matter or substance, dirt or filth to be removed from any house or premises and to take any other measures he may deem necessary to prevent the spread of any disease; with the approval of the council he shall have power to make such rules and regulations for the prevention and suppression of disease he may deem necessary; he shall appoint such inspectors and other employees as may be necessary, subject to the approval of the council, and shall fix their duties; he shall have the power to remove or discharge any person so appointed.

Com-
missioner
of health.

The commissioner of health and such deputies, inspectors and employees as may be designated by him shall have the powers of a police officer and may arrest, or cause to be arrested, any person violating any sanitary law.

The commissioner of health shall annually on the first day of July, send to the council a statement of the amount of work performed by his department during the preceding year, together with such other information and suggestions as he may deem proper to submit; he shall publish from time to time such statistics and information relating to the health of the community or methods of preventing or curing disease as he shall deem proper to publish; he shall also transmit to the council prior to the fixing of the tax levy an estimate in detail of the cost of providing for and maintaining his department during the current fiscal year.

Sec. 10. *City physician*—The city physician shall properly care for the indigent poor not otherwise provided with medical attendance; when directed by the chief of police or any police officer having charge thereof, he shall visit any police station and examine and make provision for the care of all persons there found to be sick, injured or insane, and report the result of such examination to the person directing such examination; he may at any time, and when required so to do by the board of education, make physical examination of the pupils of the public schools and make report of such examination. He shall transmit to the council on the first

City
physician.

day of each month a detailed report of the duties performed by him during the preceding month, and for the purpose of making such report shall keep a record of all duties performed; he shall annually prior to the fixing of the annual tax levy send to the council a statement of the expenses of his office for the past year, together with an estimate in detail of the appropriations required for the maintenance of his office during the current fiscal year.

Official
bonds.

SEC. 11. The council may require any or all of the above officers to give official bonds in such sums as it may deem proper, and the city shall pay all premiums upon surety bonds when such bonds are given. It may provide for the appointment of such deputies and assistants as may be required, and shall fix the compensation of all officers and such deputies and assistants. All of the above officers shall perform such other services as the council may require and serve during its pleasure.

Appoint-
ment of
subordi-
nates.

SEC. 12. Any officer having charge of any department of the city government shall, subject to the approval of the council, appoint his subordinate officers or employees at such compensation as shall be determined by the council.

Term of
office.

SEC. 13. The term of all officers appointed by the council shall be at the pleasure of the appointing power, but shall not exceed two years ending on June 30th, 1910, and each even numbered year thereafter. All officers shall serve until their successors are appointed and qualified.

Consoli-
dation of
offices.

SEC. 14. Whenever the public interest may require, the council may consolidate any of the offices provided for in this article.

ARTICLE V.

ELECTIONS.

Elections.

SECTION 1. All elections for councilmen shall be held in accordance with the general laws of the state governing elections within municipalities unless otherwise provided by this charter or by ordinance of the council; and elections for members of the board of education shall be held in accordance with the general laws of the state governing the election of trustees of school districts, unless otherwise provided by this charter or by an order of the board of education.

Nomina-
tions.

SEC. 2. Nominations for councilmen and members of the board of education shall be made as herein provided.

Petition
for nom-
ination.

SEC. 3. A petition shall be filed in the office of the clerk for the nomination of councilmen, or with the clerk of the board of education for the nomination of members of said board, at least twenty-five days prior to the day fixed for the election of the same, asking that the person named therein be a candidate for the office of _____ (naming it) and giving the residence of said person within the city of Richmond. Such petition shall be signed by qualified and registered voters equal in number to at least three per centum of the votes cast at the preceding election for officers for which the nomination is

asked. The requirements as to signatures (other than the number thereof), the verification of the petition and certification thereof provided in section 1 of article VIII for petitions for recall, shall apply to petitions for nominations for public office.

SEC. 4. If petitions asking for nominations to the number of more than twice the number of officers to be elected at such election are filed, then a primary election shall be held two weeks prior to the day fixed in the charter, or date of special election if such election is called, for the election of such officers. If less than such number of petitions are filed, then no such primary election need be held, but the person named in such petitions shall be deemed candidates for the office named, at the election to be held for the election of such petitions shall be deemed candidates for the office named, at the election to be held for the election of such officers and the names of such candidates shall be printed on the official ballot to be used at such election or indicated on ballot machines, if such machines shall be used.

Primary election.

SEC. 5. If a primary election is held, it shall be the duty of the council, in case of the nomination of councilmen, and of the board of education, in case of the nomination of members of said board, to provide for the holding of same, shall designate the precincts, polling places, appoint officers of election (which need not be more than one inspector, one judge and one clerk) but such precincts, polling places and officers shall conform as nearly as possible to those designated and selected for and at the election of officers thereafter to follow. In case the council or board of education fail to make the necessary provision for such primary election, then the clerk or the clerk of the board of education shall perform such duties. The proper clerk shall give notice of such primary election and shall state therein the names of the candidates whose petitions shall have been filed and such notice shall be published in the official newspaper of the city for five days prior to the day of such election. He shall also cause ballots to be printed, stating the office to be filled and the candidates therefor whose petitions have been filed, printing the names of such candidates upon said ballot in the order in which such petitions shall have been filed. Said ballot shall contain a direction as to the number of candidates which one voter may vote for, which shall be the same number as is to be elected to the office at the regular election to follow; also instructions required to be printed on ballots by the general laws, so far as such instructions may be applicable. All ballots cast or marked contrary to such instructions shall be void. The polls shall open during the same hours as required for the regular election thereafter to follow and in all respects the election shall be held and conducted, and the votes cast thereat shall be counted and returns thereof made as may be required for the election at which are to be elected the officers for the nomination of which the primary election is held.

Conduct of primary election.

Canvass
of returns.

SEC. 6. The returns of such primary election shall be filed with the city clerk, or the clerk of the board of education, as the case may be, and within forty-eight hours thereafter the said clerk shall open and canvass such return and declare the result of such election. The candidates to the number of twice the number of officers to be elected at the regular election thereafter to follow, receiving the highest number of votes at such primary election shall be declared to be the candidates to be voted for at the said following regular election. Their names shall be printed on the official ballot to be used at such election in the order of the number of votes received by each such candidate, the name of the candidate receiving the highest number of votes to be placed at the head of the list. In case the highest number of votes cast can not be determined by reason of a tie between one or more candidates, then the names of all such candidates whose votes are tied shall be placed on the official ballot. The names of all candidates to be voted for thus selected at the primary election shall be published for one week prior to the regular election in the official paper of said city.

ARTICLE VI.

SCHOOL DEPARTMENT.

School de-
partment.
Manage-
ment.

SECTION 1. The school department of the city of Richmond shall be under the management and control of a board of education. Such board shall be composed of three members who shall have been citizens of the United States and residents of the city of Richmond for at least one year immediately preceding their election, and their terms of office shall be six years from and after the first day of July next succeeding their election, except as herein otherwise provided. Elections for members of the board of education shall be held on the first Saturday in May of each even numbered year. At the election to be held in May, 1910, one member shall be elected to serve for the term of four years and one member for the term of six years. The member of the board of trustees of Richmond school district elected at the school election in April, 1909, shall be a member of the board of education until July 1, 1912, and his successor shall be elected at the election held on the first Saturday in May, 1912. At the election herein provided for, members of the board of education shall be elected for any unexpired term that may exist. The members of the board shall receive no compensation.

Board of
education.

SEC. 2. Until the election and qualification of the members of the board of education as herein provided for, the present trustees of the Richmond school district shall be and constitute the board of education of the city of Richmond, and shall exercise the powers hereby conferred thereon.

Powers of
board.

SEC. 3. Said board of education shall have and exercise all the powers conferred upon boards of trustees and boards of

education by the laws of the State of California, and in addition thereto shall have power:

Powers of board.

1. To choose one of its members as president of the board, fix a time and place for holding regular meetings, which shall be public, provide for holding special meetings, adopt rules for governing its own proceedings, and adopt an official seal.

2. To appoint a superintendent of schools to serve during its pleasure and fix his compensation.

3. To provide for the establishment of kindergartens, manual training schools, night schools, technical schools, and to prescribe the studies to be taught therein.

4. To construct school buildings when necessary, and no special election need be held to authorize such construction.

5. To provide free text-books when authorized so to do by the electors voting on such proposition.

6. To prescribe the requirements for graduation from the public schools and issue certificates of graduation.

7. To provide the manner in which all elections shall be held and conducted for the election of members of said board and such special elections as may be authorized by law, except as in this charter otherwise provided.

8. To receive bequests, devises and donations of property of every kind, either absolutely or in trust for any purpose, and to manage, hold or dispose of such property in accordance with the terms of any bequest, devise or donation.

9. To fill any vacancy in the membership of the board by appointment, the person appointed to hold office until the first day of July following the next election held for the election of members of such board.

10. It shall elect and fix the salaries of all teachers, but such election shall be made only from a list of candidates nominated and recommended by the superintendent of schools, but the board may make rules in accordance with which such nominations and recommendations shall be made. It shall fix a time when such election of teachers shall be had. For the first two years of their service in the school department of the city, principals and teachers shall be subject to annual election; after a service of two years they may be elected for a term of three years.

SEC. 4. The superintendent of schools shall be the executive officer of the board of education and subject only to the orders thereof, and all principals, teachers and other employees shall be under the control and direction of the superintendent. He must examine and, in conjunction with the board, approve all plans for the construction or reconstruction of school buildings. He shall have supervision of the course of instruction and the discipline and conduct of the schools and recommend all text-books prior to their adoption by the board. He shall act as clerk of the board of education. He shall assign all teachers and principals, and make such transfers as may be necessary to the successful operation of the schools.

Executive officer of board.

Estimate
for tax
levy.

SEC. 5. The board of education shall annually determine the amount of money to be raised by taxation within the territory subject to taxation for school purposes for the maintenance of the public schools, in addition to the amount of money received from the state and county; and the board shall, prior to the time of fixing the rate of taxation by the council, submit in writing to the council a careful estimate of all money required by taxation in addition to the amount estimated to be received from said state and county. The council of the city of Richmond shall, and it is hereby authorized and directed, in each year when fixing the annual tax rate to levy and assess as a school tax for the maintenance of the public schools such amount as the board of education shall report necessary for the purpose. Whenever high schools are maintained by the school department of the city, a like estimate shall be made for their support and a tax levied and assessed sufficient to meet such estimate.

High
schools.

SEC. 6. Whenever the high school now established within the boundaries of the city shall, by law, pass under the jurisdiction of the board of education of the city of Richmond, the provisions of this article shall apply to its management.

Disposi-
tion of
school
funds.

SEC. 7. All moneys raised by taxation within the city for the support of the public schools shall be kept in a separate fund from all other funds, and shall be used exclusively for the purpose for which the tax is levied. All demands payable out of such fund shall be allowed by the board of education and certified to the city auditor, who shall draw a warrant therefor upon such school fund.

ARTICLE VII.

POLICE COURT.

Police
court.

SECTION 1. There is hereby created in and for the city of Richmond a court which shall be known as the police court of the city of Richmond. Said court shall consist of one judge, who shall be appointed by the council and who shall serve during its pleasure and who shall receive such compensation as the council shall determine.

Jurisdic-
tion, ex-
clusive.

SEC. 2. Said court shall have exclusive jurisdiction:

- (1) In all prosecutions for violations of the city ordinances.
- (2) In all actions for the recovery of any fine, penalty or forfeiture, and the enforcement of any obligation or liability prescribed or created by the city ordinances and in which the sum sued for does not amount to three hundred dollars.

Jurisdic-
tion, con-
current.

SEC. 3. Within the city limits said court shall have concurrent and coördinate jurisdiction with township justices' courts in all matters and things in which said justices' courts now or may hereafter have jurisdiction; and the judge of said police court shall have as aforesaid like authority, power and jurisdiction as the justices of said justices' court.

SEC. 4. Appeals may be taken to the superior court of the State of California, in and for the county of Contra Costa, from the judgments and orders of said police court, in all cases in which appeals now are or may hereafter be provided by law to be taken to said superior court from said justices' courts and police courts. Appeals.

SEC. 5. In all proceedings in and appeals from said police court, the pleadings, practice, procedure and laws now applicable or that may hereafter be made applicable to said justices' or police courts, are hereby adopted and made applicable to said police court. Rules of practice.

SEC. 6. All fines and other moneys received or collected by the judge of said police court for or on account of the city of Richmond, shall be paid into the city treasury on the first Monday in each month. Fines.

SEC. 7. All actions and proceedings pending and undetermined in the existing recorder's court of the city of Richmond shall be proceeded with, heard, tried and determined in said police court hereby provided for, before said judge, the same as if said actions or proceedings had been originally commenced in said police court. Existing actions.

SEC. 8. Nothing in this charter shall be so construed as to prevent a justice of the peace from holding the office of police judge. Justice of the peace.

ARTICLE VIII.

THE RECALL, INITIATIVE AND REFERENDUM.

SECTION 1. The holder of any elective office may be removed by the electors qualified to vote for the successor of the officer sought to be removed. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed shall be filed with the clerk, and said petition shall contain a general statement of the grounds for which the removal is sought. The recall.

The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter or taxpayer of the municipality shall be competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each

The recall. signature, the genuineness of which is not called in question by the sworn affidavit of the alleged owner thereof, shall be presumed to be genuine. Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters. Each signer of said petition shall add to his signature his place of residence, giving the street and number.

Within ten days from the date of filing such petition the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary the council shall allow the clerk extra help for that purpose, and the clerk 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 amended by additional signatures within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect.

If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay, and the council shall thereupon order and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

All arrangements for said election shall be made and the same shall be conducted, returned, and the results thereof declared, in all respects as are all other municipal elections; *provided*, that if there be any conflict of provisions, this charter shall control.

Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some person other than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from his office upon qualification of his successor. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. In case the party who receives the highest number of votes shall fail to qualify within ten days after receiving notification of election the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office. In case more than one councilman is sought to be removed, whose terms shall not expire at the same time, there shall appear on the ballot the date of the expiration of the respective terms and the offices of the councilmen to be elected for such different

terms shall be deemed separate and distinct officers to be filled at such election.

SEC. 2. Any proposed ordinance may be submitted to the council by a petition signed by qualified and registered electors of the city equal in number to the percentage hereinafter required. The petition shall set forth a copy of the proposed ordinance, and the form of such petition, signatures, verifications and duties of the clerk in respect thereto, provided in section 1 of this article for petitions for recall shall apply to petitions of initiative. ^{The Initiative.}

If the petition accompanying the proposed ordinance be signed by qualified and registered electors equal in number to ten per cent of the entire vote cast at the last preceding general municipal election, the council must either pass such ordinance without alteration or submit the same to the electorate at the next regular municipal election that shall occur at any time after sixty days from the date of the clerk's certificate of sufficiency. But if such petition is signed by qualified and registered electors equal in number to twenty-five per cent of said votes and contains a request that such ordinance be submitted to a vote of the people at a special election, then the council must either pass the ordinance without alteration or submit the same to the electorate at a special election to be called within sixty days from the filing of such petition.

The ballots used when voting upon such proposed ordinance shall contain the words: "For the Ordinance," and "Against the Ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city. The council may at such election submit any amendment thereto that it may deem proper, and the ballots used at such election shall contain the words: "For the Amendment," or "Against the Amendment" of ordinance (naming the ordinance), and also stating the nature of the proposed amendment. If a majority of the qualified electors voting on said proposed amendment shall vote in favor thereof, such ordinance shall thereupon be deemed amended in accordance therewith. The council may also propose and submit any ordinance to the electors, and such ordinance, upon receiving a majority of the votes of the electors, voting thereon, shall be deemed to have been adopted and shall be the valid and binding ordinance of the city. Any ordinance adopted by the electors under the provisions of this article can not be repealed or amended, except by a vote of the people obtained in the manner hereinbefore stated, unless such ordinance shall otherwise provide.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section; *provided*, that there shall not be held under this section of the charter more than one special election in any period of twelve months.

The refer-
endum.

SEC. 3. Any ordinance or resolution other than such as may be required to be passed at a particular time or for the purpose of complying with a charter or statutory law and excepting such ordinance as may be declared by the council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, shall be subject to a referendum as herein provided; *provided further* that the petition for such referendum be filed within thirty days from the final passage of such ordinance or resolution.

Whenever a petition shall be presented to the council, asking that a particular ordinance named therein be submitted to a vote of the electors, and signed as required for an initiative petition in section two of this article, it shall be the duty of the council to submit the question of the approval or rejection of such ordinance or resolution to the electors at a regular or special election, and until such election is held and the ordinance approved by the electors, the provisions of such ordinance or resolution shall be suspended and inoperative.

All the proceedings relative to the submission of ordinances by initiative shall apply to ordinances submitted by a referendum petition, and the vote thereon shall be of the same force and effect as provided in section two.

ARTICLE IX.

MISCELLANEOUS.

Miscel-
laneous.

Ordaining
clause.

SECTION 1. The ordaining clause of all ordinances adopted by the council shall be "The council of the city of Richmond do ordain as follows," and the ordaining clause of all ordinances adopted in accordance with the provisions of article VIII shall be, "The people of the city of Richmond do ordain as follows."

Power of
electors.

SEC. 2. The electors may, in form and manner prescribed in section 2 of article VIII, provide the manner in which any municipal power may be exercised and restrict the power of the council in respect thereto.

Contracts
by officers.

SEC. 3. No officer of the city shall be interested in any contract entered into by the city, and the general laws of the state forbidding city officials to be so interested are hereby made a part of this charter.

Council-
men to
hold no
other
office.

SEC. 4. No member of the council shall hold any other municipal office, or hold any other office or employment, the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected.

Franchises.

SEC. 5. No person, firm or corporation shall ever exercise any franchise, license, permit, easement, privilege or other use, except in so far as he or it may be entitled to do so by direct

authority of the constitution of the State of California, or of the constitution or laws of the United States, in, upon, over, under or along any street, highway or public place in the city unless he or it shall have first obtained a grant therefor in accordance with the provisions of this charter.

SEC. 6. The council shall publish annually a financial report of the city and furnish a copy thereof to each taxpayer whose address is known. Financial report.

SEC. 7. Liens for taxes levied and to be levied shall attach to the property charged therewith on the first Monday in March at twelve o'clock M. Liens for taxes.

SEC. 8. No bonded indebtedness shall be incurred unless the same shall be first authorized by a vote of two thirds of the electors voting at an election held for the purpose of voting on the proposition to incur such indebtedness; and no indebtedness incurred for the purpose of improving the water front shall at any time exceed six per cent of the assessed value of the property within the city. Bonded indebtedness.

ARTICLE X.

This charter shall take effect at noon on July 1, 1909; *provided*, that all provisions relative to elections, and the nomination of candidates for public office shall be operative upon the approval of this charter by the legislature, and the board of trustees of the city of Richmond is hereby directed to provide for all elections to be held prior to the first day of July, 1909, and to issue certificates of election to the persons elected to the office of councilman. When charter to take effect.

All of the officials of the city of Richmond in office at the time this charter takes effect shall continue to perform the duties now required of them until their successors are appointed and qualified as in this charter provided.

CERTIFICATE.

WHEREAS, The city of Richmond, a city containing a population of more than three thousand five hundred and less than ten thousand inhabitants on the twelfth day of October, 1908, at a special election held under and in accordance with the provisions of section eight of article XI of the constitution of the State of California, did elect F. E. Adams, C. L. Abbott, C. R. Blake, L. Boswell, L. D. Dimm, E. A. Gowe, E. J. Garrard, G. A. Follett, L. S. Higgins, I. E. Marshall, I. M. Perrin, E. M. Tilden, H. H. Turley, H. E. Wyatt and John Roth a board of freeholders to prepare and propose a charter for said city; Certificate of board of freeholders.

BE IT KNOWN, That pursuant to the provisions 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 Richmond.

Certificate
of board
of free-
holders.

IN WITNESS WHEREOF, We have hereunto set our hands this
23rd day of December, 1908.

H. E. WYATT,
President of the Board of Freeholders.
C. L. ABBOTT.
F. E. ADAMS.
L. BOSWELL.
L. D. DIMM.
G. A. FOLLETT.
E. J. GARRARD.
E. A. GOWE.
I. E. MARSHALL.
JOHN ROTH.
H. H. TURLEY.
E. M. TILDEN.
CHAS. R. BLAKE, M.D.
L. S. HIGGINS.

Attest: J. S. CHANDLER,
Secretary Board of Freeholders.

Filed this 28th day of December, 1908, at 12:30 P. M.

J. B. WILLIS,
President of the Board of Trustees
of the City of Richmond, Cal.

STATE OF CALIFORNIA; }
COUNTY OF CONTRA COSTA, } SS.
CITY OF RICHMOND. }

Certificate
of city
clerk.

I, H. H. TURLEY, city clerk in and for the city of Richmond,
hereby certify that the board of trustees of said city, did by
resolution No. 158, order the foregoing charter published in
the manner and form required by law.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the corporate seal of the city of Richmond, this 29th day
of December, 1908.

H. H. TURLEY,
City Clerk.

[SEAL.]

MEMORANDUM.

The first publication of the foregoing charter was made on
Tuesday December 29th, 1908, in accordance with a resolution
adopted by the board of trustees of the city of Richmond, in
the "Richmond Record," a daily newspaper of general circula-
tion, printed, published and circulated in said city.

STATE OF CALIFORNIA, }
COUNTY OF CONTRA COSTA, } SS.
CITY OF RICHMOND. }

Certificate
of presi-
dent and
clerk of
board of
trustees.

I, J. B. WILLIS, president of the board of trustees of the city
of Richmond, State of California, and I, H. H. Turley, clerk
of said board, do hereby certify that the board of freeholders,
whose names appear signed to the foregoing proposed charter,

were on the 12th day of October, 1908, at a special municipal election held in said city of Richmond on said day, duly elected by the qualified electors of said city to prepare and propose a charter for said city: that each of said freeholders had been a qualified elector in said city for more than five (5) years previous to said election; that the foregoing is a true copy of said charter prepared and returned to the president of said board of trustees within ninety (90) days after said election, as required by section 8 of article XI of the constitution of this state; that said proposed charter was then published in the "Richmond Record," which then was a daily newspaper of general circulation, printed and published in said city, and that publication was made for more than twenty (20) days, and that the first publication of said proposed charter was made within (20) days after the completion of said charter; that within thirty (30) days after the publication of said charter, as required in said section 8, to wit, on the 9th day of February, 1909, said charter was submitted at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed charter; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole; that the returns of said election was duly canvassed by the board of trustees of said city of Richmond on the 9th day of February, 1909, and the result thereof declared as above set forth; and that in all matters and things pertaining to said proposed charter, all provisions of said section of the constitution and the laws of the State of California pertaining to the adoption of the charter have been fully complied with in every particular.

Certificate
of presi-
dent and
clerk of
board of
trustees.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the corporate seal of said city of Richmond to be affixed this 9th day of February, 1909.

[SEAL.]

J. B. WILLIS,
President of the Board of Trustees
of the City of Richmond.

H. H. TURLEY,
Clerk of said Board of Trustees
and said City of Richmond.

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 of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California;

Now, therefore, be it

Resolved by the assembly of the State of California, the senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein) that said charter of the city of Richmond, as presented to, adopted and ratified by the qualified electors of said city, be, and the same is hereby, approved as a whole as and for the charter of the said city of Richmond.

Approval
of legis-
lature.

CHAPTER 19.

Assembly Joint Resolution No. 8. Assembly joint resolution relating to the assent of the State of California to grants, purposes and conditions of the act of congress entitled: An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditures thereof, approved March 16, 1906.

[Adopted March 5, 1909.]

WHEREAS, By section 2 of said act it is provided: That the grants of money authorized by this act are made subject to the legislative assents of the several states and territories for the purposes of said grants; therefore be it

Assent to increased federal aid to state university.

Resolved, by the assembly and senate jointly, That the State of California does hereby assent to the grants named in said act approved March 16, 1906, and to the conditions thereof for and on behalf of the State of California and the board of regents of the University of the State of California; and be it further

Resolved, by the assembly and senate jointly, That the State of California does hereby specifically designate the board of regents of the University of California, a corporation organized and existing under the laws of the State of California, and controlling the University of California, to receive the money appropriated under said act for the benefit of agricultural experiment stations connected with the state university; be it further

Resolved, That his excellency, the governor of California, be and he is hereby requested to transmit to the secretary of the treasury of the United States a copy of these resolutions duly certified by the secretary of state.

CHAPTER 20.

Assembly Concurrent Resolution No. 4, approving certain amendments to the charter of the city of Grass Valley, adopted by the electors of said city at a special election held on the eighth day of October, A. D. 1908.

[Adopted March 11, 1909.]

Amendments to charter of city of Grass Valley.

Preamble.

WHEREAS, The city of Grass Valley has a population of upwards of three thousand five hundred inhabitants, and ever since the year 1893 has been and is now organized under a freeholders' charter, adopted under section eight of article XI of the constitution; and

WHEREAS It appears from the certificate of J. C. Conaway, mayor of the said city of Grass Valley, which certificate is

attached to this resolution and made a part thereof, that the electors of said city, at a special election held on the eighth day of October A. D. 1908, adopted certain amendments to said charter, which amendments are more fully set forth in the said certificate:

Now, therefore, be it

Resolved by the assembly of the State of California, the senate concurring therein, a majority of the members elected to each house of this legislature voting therefor, that the amendments to the charter of the city of Grass Valley, as set out in the certificate of the mayor of said city, which certificate is hereunto attached and made a part of this resolution, be and the same are hereby approved as a whole.

Approval
of legis-
lature.

In re amendments to the charter of the city of Grass Valley, Nevada Co., Cala.

This certifies: That the board of trustees of the city of Grass Valley, Nevada Co., California, being the legislative authority of said city, did by an order and proclamation duly adopted on to wit: August 4th, 1908, propose and submit to the electors of said city, certain amendments hereinafter set forth to the charter of said city, adopted March 13th, 1903, to be voted upon at a special election then, and in said order and proclamation called and fixed for that purpose to be held on Oct. 8th, 1908.

Certificate
of mayor
and city
clerk.

That said amendments were published for twenty consecutive days, to wit: from Aug. 6th 1908 to Aug. 26th 1908, both days inclusive in the Daily Morning Union, a daily newspaper of general circulation in said city, printed, published and generally circulated therein.

That more than forty days elapsed between the last publication of said amendments, and the day fixed for said special election.

That on said Oct. 8th, 1908 at said special election the said proposed amendments were submitted to the electors of said city for their adoption or rejection; that the said election was lawfully and regularly conducted in every respect, and at the same a majority of the votes cast were in favor of the said amendments.

That the returns of said election were duly and regularly made to the said board of trustees of said city, and the latter on October 9th, 1908, duly and regularly canvassed the same, and then and there declared the result viz: That said amendment No. 1, received 190 votes in favor of its adoption and 74 were cast against its adoption, and that said amendment had a majority of 116 votes in favor of adoption, and was therefore declared adopted.

No. 2, received 162 votes in favor of its adoption, and 103 were cast against its adoption, and that said amendment had a majority of 99 votes in favor of adoption, and was therefore declared adopted.

No. 3, received 146 votes in favor of its adoption, and 121 were cast against its adoption, and that said amendment had

Certificate
of mayor
and city
clerk.

a majority of 25 votes in favor of adoption, and was therefore declared adopted.

No. 4, received 149 votes in favor of its adoption, and 115 were cast against its adoption, and that said amendment had a majority of 34 votes in favor of adoption, and was therefore declared adopted.

No. 5, received 178 votes in favor of its adoption, and 84 were cast against its adoption, and that said amendment had a majority of 94 votes in favor of adoption, and was therefore declared adopted.

No. 6, received 174 votes in favor of its adoption, and 89 were cast against its adoption, and that said amendment had a majority of 85 votes in favor of adoption, and was therefore declared adopted.

No. 7, received 145 votes in favor of its adoption, and 122 were cast against its adoption, and that said amendment had a majority of 23 votes in favor of adoption, and was therefore declared adopted.

No. 8, received 157 votes in favor of its adoption, and 109 were cast against its adoption, and that said amendment had a majority of 48 votes in favor of adoption, and was therefore declared adopted.

No. 9, received 174 votes in favor of its adoption, and 91 were cast against its adoption, and that said amendment had a majority of 83 votes in favor of adoption, and was therefore declared adopted.

No. 10, received 176 votes in favor of its adoption, and 90 were cast against its adoption, and that said amendment had a majority of 86 votes in favor of adoption, and was therefore declared adopted.

No. 11, received 146 votes in favor of its adoption, and 128 were cast against its adoption, and that said amendment had a majority of 18 votes in favor of adoption, and was therefore declared adopted.

No. 12, received 137 votes in favor of its adoption, and 132 were cast against its adoption, and that said amendment had a majority of 5 votes in favor of adoption, and was therefore declared adopted.

No. 14, received 150 votes in favor of its adoption, and 120 were cast against its adoption, and that said amendment had a majority of 30 votes in favor of adoption, and was therefore declared adopted.

That said amendments so proposed, submitted and adopted were and are as follows, viz:

AMENDMENT No. 1.

Amend-
ments
adopted.

Territory
of school
district.

Sec. 6. The school district of the city of Grass Valley shall consist of all the territory within the same and such outside territory annexed or which may be annexed thereto by the board of supervisors of Nevada county under and subject to the present provisions of the Political Code of California.

AMENDMENT No. 2.

A new clause (n) to be added to Sec. 2 of Art. II, viz:

(n). The board of trustees must employ a competent, disinterested expert accountant, and have him examine the books, accounts, records, condition and affairs of every department, board and officer at least once annually.

Expert accountant.

AMENDMENT No. 3.

Sec. 8, Art. II, to be amended to read:

Sec. 8. The clerk of the board shall be denominated the city clerk and shall act as auditor and ex-officio assessor and perform such other duties as the board of trustees may from time to time require. He shall maintain an office at the city hall and attend there during office hours to be fixed by said board. He shall be authorized to administer oaths, without charge, in all matters concerning city affairs.

City clerk duties of.

AMENDMENT No. 4.

Sec. 2, Art. II, to be amended to read:

Sec. 2. The board of trustees shall not contract indebtedness on the credit of the city in excess of five thousand dollars, without the consent of two thirds of the qualified electors voting thereon.

City indebtedness.

AMENDMENT No. 5.

Sec. 13, Art. II, to be amended to read:

Sec. 13. The city board of education shall consist of one member for each general election precinct now or which may be established by the supervisors of Nevada county, within the corporate limits of the city and one for the outside territory now or which may be annexed for school purposes, whose term of office shall be two years.

Board of education.

Such board shall select one of its members as president.

AMENDMENT No. 6.

Sec. 15, Art. II, to be amended to read:

Sec. 15. Notice of all school elections shall be given for at least ten days by direction of the board of education which shall appoint the election officers therefor and may provide but one polling place for the entire district, but shall provide a separate ballot box for each precinct. In all other respects such election shall conform to the general laws of the State of California. The first election hereafter for members from the odd numbered precincts shall take place in 1909 and biennially thereafter. The first election hereafter for members from the even numbered precincts shall take place in 1910 and biennially thereafter, and for the member from the outside territory shall take place in 1910 and biennially thereafter.

School elections.

AMENDMENT NO. 7.

Sec. 20, Art. II to be amended to read:

Elective
officers.

Sec. 20. In addition to the board of trustees there shall be elected a marshal, who shall be chief of police, ex-officio superintendent of streets, collect all taxes, licenses and assessments not otherwise provided for, levied by lawful authority; a water collector, who shall be ex-officio superintendent of the water system and whose duties shall be prescribed by the board of trustees, and a treasurer.

All officers shall be under the supervision, direction and control of the board of trustees who may from time to time prescribe their duties.

The board of trustees may, whenever necessary, place any street work under the direction and control of the engineer or other qualified person.

All officers shall take office at noon on the second Monday of July next succeeding their election and hold the same for the term of two years.

First
election.

The first election under this amendment shall be held on the third Monday of May, 1911, and the officers elected in November, 1908, shall hold office till the second Monday of July, 1911.

AMENDMENT NO. 8.

Sec. 24, of Art. II, is amended as follows:

Elections.

Sec. 24. All elections for members of the board of trustees and other officers of the city except members of the board of education shall, after 1909, be held on the third Monday in May of each odd numbered year; the board of trustees shall select for the various precincts boards of election to conduct all elections provided for in this charter; *provided*, that till said board otherwise ordains, all elections held in compliance with the election laws of California as existing January 1st, 1889, including the provisions relating to nominations, election proclamations and ballots, shall be sufficient: *provided* that said board shall give previous notice of every election, other than school elections, for not less than ten days; that the returns of all except school elections, shall be made to said board, which shall canvass the returns, declare the result and issue certificates of election to the persons having the highest number of votes for each office voted for. All ballots shall be uniform and printed on paper furnished by said board, at cost.

All officers shall qualify within ten days after the issuance to them of the certificate of election and in case of failure to do so, said board may declare their offices vacant and appoint an incumbent thereto.

AMENDMENT NO. 9.

A new section, designated "Sec. 26a", is added to Art. II.

Mayor's
semi-
annual
reports.

Sec. 26a. Instead of making his semiannual reports on the first days of April and October as provided in Sec. 26 of this article, the mayor shall within ten days after the first day of January and July of each year, make and file as provided in

Sec. 26, his semiannual reports covering the half year next preceding each report.

AMENDMENT No. 10.

Sec. 28, Art. II, is amended to read:

Sec. 28. Any justice of the peace of Grass Valley township shall have jurisdiction to try all cases arising under any ordinance adopted under this charter and shall have all the authority in relation thereto given him by the Penal Code of this state in relation to misdemeanor and an appeal will lie in all cases from his decision, to the superior court of Nevada county, in like manner and grounds as in criminal causes arising under the state law. Such fees shall be received therefor as the board of trustees may ordain. Every sheriff, constable and policeman residing in the city may make arrests and serve process under said ordinances and shall receive such fees therefor as said board may ordain.

Justices of the peace, jurisdiction.

AMENDMENT No. 11.

Sec. 35, Art. II, is amended to read:

Sec. 35. The city clerk shall receive such salary, for all the duties performed by him, as the board of trustees may determine not exceeding the sum of one hundred dollars per month.

Salary of city clerk.

AMENDMENT No. 13.

Sub. (b) Sec. 1, Art. III, to be amended to read:

(b) A property tax, to be levied by the board of trustees upon all property within said city at twelve o'clock M. of the first Monday of March of each year, which may equal, but shall never exceed, seventy-five cents on each one hundred dollars of the assessed valuation of such property.

Tax limit.

AMENDMENT No. 14.

A new subdivision (d) to be added to Sec. 1, Art. III, viz:

(d). All property and poll taxes shall be levied by an order of the board of trustees adopted and entered upon the minutes and need not be levied by ordinance.

Tax levy.

Grass Valley, January 13th 1909.

J. C. CONAWAY, Mayor.

Attest:

W. D. HARRIS, City Clerk.

[SEAL.]

STATE OF CALIFORNIA,
COUNTY OF NEVADA,
CITY OF GRASS VALLEY. } SS.

I, J. C. Conaway, hereby certify that I am the mayor and chief executive officer of the city of Grass Valley, a municipal corporation of Nevada Co., Cal.

Certificate.

That the statements contained in the foregoing certificate are true and correct, and the foregoing are true and correct

Certificate. copies of the amendments to the charter of said city of Grass Valley, adopted at the special election held in said city, on October 8th, 1908.

Witness my hand this January 13th, 1909, and the official seal of said municipality.

[SEAL.]

J. C. CONAWAY, Mayor.

Attest:

W. D. HARRIS, City Clerk.

CHAPTER 21.

Assembly Joint Resolution No. 9, relating to federal improvement of Newport bay, in Orange county.

[Adopted March 11, 1909.]

Preamble. WHEREAS, The joint committee of the senate and assembly appointed by the legislature of the State of California on March 14th, 1907, has brought to the notice of the assembly of California, that there exists in the county of Orange, in the State of California, an important body of navigable water which is susceptible of being converted into an inland harbor and thus greatly advancing the harbor facilities of the State of California; and

WHEREAS, The completion of the Panama canal will tax to its fullest extent the harbors of the State of California; and

WHEREAS, Newport bay in said county of Orange, State of California, is surrounded by a vast area of exceedingly productive land and which needs and requires a direct shipping point by water; and

WHEREAS, The fact has been satisfactorily established that by the construction of proper jetties at the mouth or inlet of said harbor that the same can be developed into and made to be a valuable and safe harbor, susceptible of receiving and accommodating a large commerce; now, therefore, be it

Resolved by the senate and assembly of the legislature of the State of California, jointly, That we hereby urge and request our senators and representatives in congress to use all honorable means to procure the said Newport bay to be properly examined and surveyed under the authority of the federal government and its feasibility as a harbor be established; and be it further

Resolved, That we urge and request our senators and representatives in congress to use all honorable means to procure an appropriation sufficient and adequate for the purpose of building at the mouth or inlet of Newport harbor in the county of Orange, State of California, twin jetties of sufficient proportions to protect and develop the mouth and inlet of said harbor and in addition thereto, procure a reasonable amount for

Improvement of Newport bay.

the purpose of dredging said harbor at the mouth or inlet and channels thereof; and be it further

Resolved, That a copy of these resolutions be forthwith transmitted by the clerk of assembly to the president of the senate of the United States and the speaker of the house of representatives of the United States and to each member of congress from the State of California.

CHAPTER 22.

Senate Concurrent Resolution No. 9, approving ten certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of the said city of Los Angeles at a special municipal election held therein on the second day of February, 1909.

[Adopted March 12, 1909.]

WHEREAS, The city of Los Angeles, in the county of Los Angeles, State of California, contains a population of over one hundred thousand (100,000) inhabitants, and has been ever since the year 1889, and is now, organized and acting under a freeholders' charter adopted under and by virtue of section 8 of article XI of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city, at a special election held for that purpose on the 20th day of October, 1888, and approved by the legislature of the State of California, on the 31st day of January, 1889, (statutes of 1889, p. 455); and

Amendments to charter of city of Los Angeles.

Preamble.

WHEREAS, The city council of said city of Los Angeles did, by ordinance designated as ordinance No. 17,458 (new series), adopted by said city council on the 27th day of November, 1908, and approved by the mayor of said city on the 27th day of November, 1908, and pursuant to section 8 of article XI of the constitution of the State of California, duly propose to the qualified electors of said city of Los Angeles the ten certain amendments hereinafter set forth to the charter of said city, to be submitted to said qualified electors at a special municipal election, to be held in said city on the 2nd day of February, 1909; and,

WHEREAS, Said ten proposed amendments hereinafter set forth were, and each of them was, published for twenty days in a daily newspaper printed and published in said city, and of general circulation therein, to-wit: "The Los Angeles Daily Journal," said publication ending on the twenty-third day of December, 1908; and,

WHEREAS, Thereafter the city council of said city did by an ordinance designated as ordinance number 17589 (new series), which was duly adopted on the 29th day of December, 1908,

Preamble. order the holding of a special municipal election in said city of Los Angeles on the second day of February, 1909, which said last-mentioned date was at least forty days after the publication of said ten proposed amendments hereinafter set forth for twenty days in said daily newspaper of general circulation in said city of Los Angeles, to-wit: "The Los Angeles Daily Journal," and did provide in said ordinance for the submission of said ten proposed amendments to the said charter, to the qualified electors of said city for their ratification at said special municipal election, which said ordinance was approved by the mayor of said city on the twenty-ninth day of December, 1908, and was published for at least ten days prior to the time appointed for the holding of said election, in "The Los Angeles Daily Journal," a daily newspaper printed and published in said city; and,

WHEREAS, At said election a majority of the qualified electors voting thereon, voted in favor of the ratification of, and did ratify each and all of said ten proposed amendments hereinafter set forth to said charter; and,

WHEREAS, The city council of said city of Los Angeles, at a special meeting thereof, held within ten days after said election duly canvassed the returns of said special election, and duly found, determined and declared that a majority of such qualified electors voting thereon, had voted for and ratified each and all of the said ten proposed amendments to said charter; and,

WHEREAS, The mayor and city clerk of said city of Los Angeles did, on the 5th day of February, 1909, duly certify to the submission to the electors of said city of said ten proposed amendments to said charter and to the ratification of said ten amendments, and did further certify to a copy of said ten proposed amendments, authenticated by the seal of the said city of Los Angeles, which said certificate is in the words and figures following, to-wit:

STATE OF CALIFORNIA,)
 COUNTY OF LOS ANGELES,) SS.
 CITY OF LOS ANGELES.)

CERTIFICATE OF RATIFICATION OF PROPOSED
 CHARTER AMENDMENTS TO THE CHARTER OF
 THE CITY OF LOS ANGELES.

We, the undersigned, A. C. Harper, mayor of the city of Los Angeles, State of California, and H. J. Lelande, city clerk of said city, do hereby certify as follows, to-wit:

That the city of Los Angeles, in the county of Los Angeles, State of California, contains a population of over one hundred thousand inhabitants, and has been ever since the year 1889, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, of article eleven, of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said

city at a special election held for that purpose on the 20th day of October, 1888, and approved by the legislature of the State of California on the 31st day of January, 1889. (Statutes of 1889, page 455.)

That the city council of said city of Los Angeles, did, by ordinance No. 17458 (new series) adopted by said council on the 27th day of November, 1908, and approved by the mayor of said city on the 27th day of November, 1908, and pursuant to section eight of article eleven of the constitution of the State of California, duly propose to the qualified electors of said city of Los Angeles certain amendments to the charter of said city, to be submitted to said qualified electors at a special municipal election to be held in said city on the 2nd day of February, 1909, which said amendments were and are in words and figures as follows, to-wit:

Charter Amendment Number One.

That subdivision 7, section 2, of article I, of the charter, be amended to read as follows:

(7.) To provide for supplying the city and its inhabitants with water, gas and electricity, or either or any thereof, or with other means of heat, illumination or power: and to acquire or construct and to lease or operate, and to regulate the construction or operation of conduits or of railroads, or other means of transit or transportation, and of plants and equipments for the production or transmission of gas, electricity, heat, refrigeration or power, in any of their forms, by pipes, wires or other means; and to incur a bonded indebtedness for any of such purposes, *provided* the question of the issue of bonds therefor shall first be submitted to the qualified electors of the city at a special or general election, and that two thirds of the votes cast on the question of said issue of bonds shall have been cast in favor thereof.

Charter
amend-
ments.

Public
utilities.

That section 2, of article I, of the charter, be amended by adding thereto three new subdivisions immediately after subdivision 7 thereof, to be numbered respectively *7a*, *7b* and *7c*, and to read as follows:

(*7a.*) To provide for the supply of surplus water and surplus electric power, or either, belonging to the city, to other municipal corporations and to consumers and users outside of the city limits.

Extending
jurisdiction
beyond city
limits.

(*7b.*) To acquire or build and operate railroads and inter-urban railroads from any point within the city limits, to any place or places within Los Angeles county and located on the ocean, or any inlet thereof, for the purpose of transporting passengers or freight between the city and the ocean, and to fix and collect charges therefor.

(*7c.*) To acquire or construct and operate public wharves, docks, piers or moles upon the seashore, in connection with the transportation of passengers and freight between the ocean and the city, and to fix and collect charges therefor.

That said section 2, of article I, of the charter, be amended

by adding thereto two new subdivisions immediately after subdivision 25 thereof, to be numbered respectively 26 and 27, and to read as follows.

Sale of
public
utilities.

(26.) No wharf, dock, seawall, railroad, street railroad, electric road, traction road, canal, conduit, subway, water system, gas or electric system, light or power works or plant, or any public utility, now or hereafter owned or controlled by the city of Los Angeles, or the right to generate or develop electric or other power by means of any water or water right, now or hereafter owned or controlled by said city, shall ever be sold, transferred, leased, or disposed of, in whole, or in part, without the assent of two thirds of the qualified voters of said city voting on the proposition at a general or special election at which such proposition shall be lawfully submitted; and no electric power, now or hereafter owned or controlled by said city shall ever be sold, transferred, leased, or disposed of to any person or corporation for resale, rental, disposal, or distribution to consumers, without the assent of two thirds of the qualified voters of said city given as aforesaid; *provided*, that nothing in this subdivision contained shall be construed to prevent the ordinary sale and distribution, by the city, of electric power, belonging to the city, to the inhabitants thereof, or persons doing business therein, for their own use, or to prevent the distribution or supplying, by the city, of surplus electric power, not required by the city for distribution to consumers within its limits, to consumers outside of the limits of the city, for their own use, or to other municipal corporations for municipal use or for resale and disposal, by such municipal corporations to consumers within such municipalities, respectively: *provided further*, that no electric power shall be distributed or supplied for use outside of the limits of the city unless the furnishing of the same, and the terms and conditions thereof, shall first be authorized by a resolution, adopted by the board of public works, and approved by an ordinance of said city.

Bed of Los
Angeles
river.

(27.) The bed of the Los Angeles river, as now defined and located, shall not, nor shall any part thereof, ever be sold, granted, leased, transferred or alienated in any way; but the whole thereof shall be kept at all times for municipal purposes, and no franchise or right to use the same, or any part thereof, shall ever be granted, sold, leased or given away; *provided* this shall not prevent the granting by ordinance of franchises or rights to cross said river bed, or to take sand or gravel therefrom.

That section 191, of article XVIII, of the charter, be amended to read as follows:

Water
rights.

Sec. 191. The said city shall not convey, lease, or otherwise dispose of its rights in the waters of said River Los Angeles, or any part thereof, or grant, or lease to any corporation or person, any right or privileges to use, manage, or control the said waters, or any part thereof, for any purpose, public or private. No other water or water rights now or hereafter owned by said city shall be conveyed, leased, or otherwise

disposed of, without the assent of two thirds of the qualified electors of said city voting upon such proposition at an election general or special, at which such proposition shall be lawfully submitted; *provided, however,* that this section shall not be construed to prevent the ordinary sale and distribution, by the city, in the manner hereinafter prescribed, of the waters belonging to said city, to the inhabitants thereof or persons doing business therein for domestic and irrigating uses, and for manufacturing and business purposes, other than water power, or to prevent the distributing or supplying by the city, in the manner hereinafter prescribed, of surplus water, belonging to the city, to other municipal corporations for public, domestic, and business purposes, within such municipalities, respectively, or to consumers and users outside of the limits of the city, for domestic and irrigating purposes; *provided, further,* that no water shall be distributed or supplied to any person, or corporation, other than municipal, for resale, rental, or disposal to consumers; *and provided, further,* that no water shall be furnished for use outside of the limits of the city unless the furnishing of the same, and the terms and conditions thereof, shall first be authorized by resolution, adopted by the board of water commissioners and approved by an ordinance of said city.

Water
rights.

Charter Amendment Number Two.

That section 3, of article II, of the charter, be amended to read as follows:

Sec. 3. The officers of the municipality shall be:

Officers
of city.

A mayor.

Nine councilmen.

A city clerk.

A clerk of the mayor.

A city treasurer.

A city auditor.

A city tax and license collector.

Seven members of the board of education.

A city school superintendent.

Five directors of the Los Angeles public library

A city assessor.

A city engineer.

A city attorney.

A water overseer.

Five police commissioners.

A chief of police.

A chief engineer of the fire department.

Five members of the board of health.

A health officer.

Five fire commissioners.

Five park commissioners.

Five water commissioners.

A superintendent of water works.

Three commissioners of public works.

A secretary of the board of public works.

That section 4, of article II, of the charter, be amended to read as follows:

Election
officers.

Sec. 4. The following officers shall be elected by the electors of the city of Los Angeles at large, to wit:

The mayor.

The city clerk.

The city attorney.

The city treasurer.

The city auditor.

The city tax and license collector.

The city assessor.

Seven members of the board of education, and

Nine members of the council.

That section 13, of article III, of the charter, be amended to read as follows:

Governing
body of
city.

Sec. 13. The said council, consisting of nine councilmen, elected as herein provided, is the governing body of the city, and shall meet at least once a week, and shall by ordinance provide for the manner, time and place of holding all regular and special meetings.

That section 200, of article XIX, of the charter, be amended to read as follows:

Election
ordinance.

Sec. 200. The council of said city shall by ordinance order the holding of all elections. Such ordinances shall specify the object and time of holding such election and designate the voting precincts and polling places therefor, and the names of the election officers for each precinct, who must be residents thereof, to conduct the holding of and make returns of such election; said ordinance shall be published in some daily newspaper printed and published in said city at least ten days prior to the time appointed for the holding of the election.

That section 203, of article XIX, of the charter, be amended to read as follows:

Who eli-
gible to
office.

Sec. 203. No person shall be eligible to any municipal office under this charter who at the time of his election or appointment is not a qualified elector of this city, and to be eligible to the office of member of the council, the person elected must also have been a resident of the city for at least two years next preceding his election.

Charter Amendment Number Three.

That article XIV of the charter be amended by adding thereto, immediately after section 146 thereof, a new section to be known as section 146 $\frac{1}{4}$, and to read as follows:

Control
of aqued-
uct
system.

Sec. 146 $\frac{1}{4}$. The board of public works shall have charge, superintendence and control of the design, construction and establishment of an aqueduct system extending from a point in the Owens River valley, in the State of California, to a point in the San Fernando valley in the county of Los Angeles, in the vicinity of the city of Los Angeles, for the purpose of pro-

viding said city with a water supply from the watershed of said Owen river; *provided*, that, upon the completion of said aqueduct system, the same shall thereafter be managed, controlled and maintained by the board of water commissioners, as in the case of other water works belonging to said city.

Charter Amendment Number Four.

That section 194, of article XIX, of the charter be amended to read as follows:

ARTICLE XIX.

ELECTIONS.

Sec. 194. Elections to be held in said city for the purpose of electing the officers of said city, and for all other purposes, are of three kinds: Elections.

- (1) Primary nominating elections.
- (2) General municipal elections.
- (3) Special elections.

That section 195, of article XIX, of the charter, be amended to read as follows:

Sec. 195. General municipal elections shall be held in said city on the first Tuesday in December, 1909, and on the first Tuesday in December every two years thereafter, at which shall be elected the elective officers in this charter provided for. Municipal elections.

That section 196, of article XIX, of the charter, be amended to read as follows:

Sec. 196. The officers elected at a general municipal election shall, after they have qualified as provided in this charter, enter upon the discharge of the duties of the offices to which they have been elected, on the first Monday in January of the year succeeding their election at twelve o'clock a. m., and shall serve for two years, and until their successors have been elected and qualified. Term of office.

The officers elected at the general municipal election held on the first Tuesday in December, 1906, shall serve for three years, beginning on the first Monday in January, 1907, and until their successors shall have been elected and qualified.

In the case of a special election to fill a vacancy, the person elected shall, after qualifying, as herein provided, enter at once upon the discharge of the duties of the office to which he has been elected, and shall serve for the remainder of the term, and until his successor shall have been elected and qualified. Elections to fill vacancies.

That section 197, of article XIX, of the charter, be amended to read as follows:

Sec. 197. In the event of a vacancy in the city council, a special election for the purpose of filling the same shall be ordered and held without delay. In the event of a vacancy in any other elective office other than a vacancy in the office of member of the board of education, which shall be filled by such board, the council shall fill such vacancy for the unexpired term. Vacancies in office.

STATE OF CALIFORNIA, }
COUNTY OF LOS ANGELES. } ss.

I,, do hereby certify that I am a qualified elector of the city of Los Angeles, that I reside at No. street, in the city of Los Angeles, county of Los Angeles, State of California, and that the signatures on this sheet were signed in my presence and are genuine, and that to the best of my knowledge and belief the persons so signing were at the time of so signing qualified electors of said city and that their respective residences are correctly stated as above set forth.

.....
.....

Subscribed and sworn to before me this day of A. D.

.....

Sec. 206d. Such petition shall consist of sheets of uniform size to be furnished by the city clerk and said petition and each separate sheet thereof shall be preceded by a heading in large clear letters or type giving name of petition, or for what office, and name of candidate nominated, in substantially the following form:

Headings
of
petitions.

Petition for nomination of A. B. for city clerk and C. C. for city auditor, etc., etc.

Such petition shall be signed by qualified electors of the city of Los Angeles in their own proper persons only, and opposite the signature of each signer, his residence address shall be written by him, or if he is unable to write, by some one under his direction, giving the street and number when such designation by street and number can be given. At the bottom of each sheet of such petition shall be added a statement, signed by a qualified elector of the city stating his residence address, with street and number when such designation by street and number can be given, certifying that the signatures on that sheet of said petition were signed in his presence and are genuine, and that to the best of his knowledge and belief the persons so signing were at the time of signing said petition qualified electors of said city. Such statement shall be sworn to before some officer authorized to administer oaths. Such sheets, before being filed, shall be fastened together, in book form, by placing the sheets in a pile, and fastening them together at one edge in a secure and suitable manner, and then the sheets shall be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll.

Certificates
to signa-
tures.

Sec. 206e. No petition for nominations shall be held sufficient unless signed by at least one hundred qualified electors of the city. No petition for nomination shall contain the names of more than one candidate for each office. No voter may sign more than one petition for a candidate for the same office.

Number of
petitioners
required.

Examina-
tion of
petition by
city clerk.

Sec. 206f. Said petition shall be presented to the city clerk not later than sixty days and not earlier than eighty days prior to the election for which such nominations are made, and the clerk shall endorse thereon the date of such presentation. The clerk shall immediately, upon the presentation to him of a petition, ascertain and determine whether or not the petition is signed by the requisite number of qualified electors. If necessary, the council shall allow the clerk extra help in this work, and the clerk shall, within five days after the presentation thereof, attach his certificate to the petition showing the result of his examination.

Amended
petition.

Sec. 206g. If, by the clerk's certificate, it shall appear that the petition has not been signed by the requisite number of qualified electors, it may be amended within five days from the date of said certificate by the further addition of names. The clerk, shall, within five days after such amendment, make like examination of the amended petition and shall certify as to the result of his examination, but no further amendment shall be allowed.

Petition-
ers can not
withdraw
names.

Sec. 206h. If either the original or amended petition shall be found to be sufficiently signed as herein provided, the same shall be filed by the clerk. Said petition, when filed, shall not be withdrawn or added to, and no signature shall be withdrawn therefrom after presentation to the clerk.

Publica-
tion of
list of
nominees.

Sec. 206i. Immediately upon the filing of the petitions for nominations, the clerk shall enter the names of the candidates so nominated in a list and shall, not later than ten days prior to the election, certify said list as being the list of candidates nominated as required by this charter, and shall cause said certificate, together with said list of names and the offices for which the several candidates were respectively nominated, to be published at least five consecutive days prior to the primary nominating election in five of the daily newspapers published in the city.

With-
drawal of
candidate.

Sec. 206j. Any proposed candidate may cause his name to be withdrawn and removed from the list of candidates by filing with the clerk his request and demand, in writing, to that effect any time before the clerk shall have certified the list of candidates nominated.

Ballots.

Sec. 206k. The clerk shall cause the ballots to be printed and, except when voting machines are used, numbered and bound, which ballots shall contain the list of names of candidates and respective offices as published, with the following caption:

“PRIMARY NOMINATING ELECTION.

CITY OF LOS ANGELES.

(Inserting date thereof.)

“To vote, stamp a cross opposite the name of the candidate voted for, except that when name of candidate is written in by voter the cross shall not be made.”

The names of the offices to be filled shall be arranged on the ballots in the order the officers of the city to be elected are named in this charter.

Sec. 206l. The names of the candidates for each office shall be arranged on the ballot of the primary nominating election in alphabetical order. There shall be nothing on any ballot indicative of the party affiliation, source of candidacy or support of any candidate.

Arrangement of ballot.

Sec. 206m. Each ballot shall contain blank spaces underneath the printed names for each office, wherein the voter may write the name of any candidate whose name is not printed on the ballot and for whom he may wish to vote and in such case a cross shall not be stamped opposite such written name.

Blank spaces.

Sec. 206n. Any candidate to fill a vacancy and to serve the remainder of an unexpired term, shall be designated on the ballot as a candidate to fill a vacancy.

Vacancies.

Sec. 206o. The two candidates receiving the highest number of votes for any given office at the primary nominating election, shall be the candidates, and the only candidates, for such office whose names shall be printed upon the ballots to be used at the general municipal election or special election, *provided*, that, where more than one office of the same kind is to be filled, the candidates therefor, equaling, in number, twice the number of such offices, who receive the highest number of votes, at the primary nominating election shall be the candidates and the only candidates for such offices, whose names shall be printed upon the ballot to be used at such general or special election.

Who to be declared candidates.

Sec. 206p. The ballot at such general or special election shall be in the same general form as for such primary nominating election, so far as applicable, and without any indication as to the party affiliation, source of candidacy or support of any candidate.

Ballot at general or special election.

Sec. 206q. Any person entitled to vote at any election held in the city of Los Angeles, shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for the period of two 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.

Rights of electors.

Sec. 206r. Nothing contained in any of the foregoing sections numbered 206a to 206q inclusive, shall be deemed to apply to an election held under the provisions of section 198c of this charter.

Elections under Sec. 198c.

Charter Amendment Number Five.

That article XX, of the charter, be amended to read as follows:

ARTICLE XX.

CONTRACTS.

Sec. 207. The city of Los Angeles shall not be and is not bound by any contract (except such a contract as is now or may be hereafter authorized by this charter to be made in

Contracts.

Contracts. behalf of the city by a board or officer of the city), unless the city council shall have first caused notice to be published for not less than five days in a daily newspaper, printed and published in the city of Los Angeles, inviting proposals to perform the same, and thereafter shall have let said contract to the lowest responsible bidder furnishing security for its performance, satisfactory to the city council; *provided*, that any such contract shall not be made or be binding on the city unless first authorized by resolution passed by the council, subject to approval by the mayor and passage over his veto by the council and the provisions of sections 37 and 38 of this charter are hereby made applicable to every such resolution; that any such contract shall be made in writing, the draft thereof approved by the council, and the same ordered to be, and be, signed, on behalf of the city, by the mayor, or some other person authorized thereto by resolution, and that the approval, as to form, of such contract by the city attorney, as required by section 49 of this charter, shall be endorsed on the draft thereof before the council shall have power to approve the same; *provided, further*, that the council may by resolution authorize any officer, committee, or agent, of the city to bind the city for the payment of a sum of money, not exceeding \$500, without a contract in writing and without any previous publication of notice inviting proposals or the presentation to or approval by the mayor of such resolution.

Charter Amendment Number Seven.

That the charter be amended by adding a new article thereto, to be known as article XXV, and to read as follows:

ARTICLE XXV.

ANNEXATIONS, CONSOLIDATION OF CITY AND COUNTY GOVERNMENTS, ESTABLISHMENT AND GOVERNMENT OF BOROUGHS, HARBOR IMPROVEMENT BONDS.

Annexation of territory.

Sec. 257. Whenever it shall be authorized by the laws of this state, it shall be lawful, under the charter of the city of Los Angeles, to annex or join to the city of Los Angeles any contiguous city or town in Los Angeles county, incorporated under the general laws of the state, or existing under a freeholders' charter, or any contiguous territory in said county, within any part of which the whole of any such city or town may be included, to be governed under the charter of the city of Los Angeles, and the question of annexation or joinder to the city of Los Angeles may be voted upon at an election to be called and held as provided by law.

Consolidation.

It shall also be lawful to consolidate the city and county governments within the boundaries of the city of Los Angeles as now or hereafter established whenever the same shall be authorized by the laws of this state.

Boroughs.

Sec. 258. A borough may be established in any territory hereafter annexed to the city of Los Angeles containing a

population of not less than five hundred inhabitants, whether such territory in whole or in part was or was not included within the limits of any incorporated city or town at or immediately prior to the time of such annexation, in the manner, with the powers and subject to the conditions and limitations, hereinafter provided:—

(a) The government of a borough, established under the provisions of this charter, shall be vested in a board of trustees, to consist of five members, to be elected by the qualified electors of such borough, and the other officers of such borough to be appointed by the board of trustees thereof, as hereafter provided.

(b) Whenever a petition shall be presented to the city council of the city of Los Angeles, signed by at least fifty per cent of the qualified voters residing in such territory, computed upon the number of votes cast at the last general state election held therein, describing the boundaries of such territory and proposed borough and stating the proposed name thereof, and praying for the establishment therein of a borough system of government, the city council of the city of Los Angeles must without delay submit to the voters of such territory, the question whether such proposed borough shall be established, at a special election to be called and held for that purpose, and cause a notice of such election to be published in a newspaper printed and published in the territory embraced within such proposed borough, if any such there be, at least once a week for a period of three successive weeks next preceding the date of such election. If there be no such newspaper, such notice shall be posted for the same period in at least five public places in such territory. Such notice shall particularly describe the boundaries of such proposed borough: shall state the name thereof, and shall require the voters to cast ballots, which shall contain the words "For the Establishment of the Borough" or "Against the Establishment of the Borough," or words equivalent thereto, and also the names of the persons to be voted for to fill the office of members of the board of trustees of such proposed borough.

Such election shall be called, held and conducted, and the returns thereof shall be canvassed and the result thereof declared by the city council, in all respects as in the case of general municipal elections in the city of Los Angeles. If, upon such canvass, it appears that the majority of the votes cast are in favor of the establishment of such borough, the city council shall, by an order entered upon its minutes, declare such borough duly established, with the name thereof stated in such petition, and declare the five persons receiving, respectively, the highest number of votes for members of the board of trustees of such borough to be the duly elected members of the board of trustees thereof, and thereupon the establishment of such borough shall be complete, and such officers shall be entitled to enter immediately upon the discharge of the duties of their respective offices, upon qualifying in accordance with

Boroughs. law. The trustees elected at such election shall hold office during the remainder of the period for which the mayor of the city of Los Angeles then in office shall have been elected, and their successors in office shall be elected by the qualified voters of such borough at the same time and shall serve for like terms as shall be provided for election and duration of the term of office of mayor of the city of Los Angeles.

(c) The board of trustees of such borough shall also elect one of their number president, and shall prescribe by rules the time and place of their meetings and of their manner of procedure, and they shall have power to regulate and control all local municipal affairs throughout the said borough, excepting as to those matters and things where jurisdiction is herein conferred upon or reserved to the city of Los Angeles; and they shall also have power to levy a general tax upon the taxable property within such borough for borough uses, not exceeding one dollar upon each one hundred dollars worth of taxable property, according to the assessed value thereof.

The said board of trustees of any borough shall also have power to appoint and remove an attorney, a clerk, a treasurer, an auditor, a recorder, a marshal and necessary police officers and men, and such other officers, agents and employees as they deem necessary to conduct said borough government; *provided, however,* that the powers and duties of assessor and tax collector respectively, of such borough shall be vested in and be performed by the assessor and tax collector, respectively, of the city of Los Angeles. In case it shall be required by ordinance passed by the board of trustees of any borough, the city treasurer of Los Angeles city shall perform the duties of treasurer of such borough.

Except as herein otherwise provided, any borough established under this charter shall have the powers, and the board of trustees and officers and agents thereof, respectively, shall have the powers and perform the duties, now or hereafter conferred or imposed by the general laws of the State of California upon cities of the sixth class and the officers and agents thereof, respectively.

(d) The qualified voters of any borough shall be entitled to vote at all elections for officers of the city of Los Angeles, and at all other elections affecting property in such borough.

(e) All general taxes levied and collected by, or for and on account of, any borough shall be paid over to the proper borough treasurer, except as hereafter provided.

All property within any borough shall be taxable for the purpose of paying the principal and interest of any bonded or other indebtedness of the city of Los Angeles incurred after the annexation of the territory in which such borough is located and before the establishment of such borough, and of any bonds issued by said city, under the provisions of section 262 of this charter, after such annexation, and of any bonds issued for county indebtedness, in case of the consolidation of city and county governments. All taxes upon property in any

borough for the purpose of paying the principal or interest of bonds issued by such borough, or of bonded or other indebtedness of said city incurred as aforesaid, or of bonds issued by said city, as aforesaid, under the provisions of section 262 of this charter, shall be levied and collected by said city and shall be paid over to the treasurer of said city. No other taxes shall be levied or collected by said city upon property within such borough; *provided, however*, that if the whole or any part of such borough shall heretofore have been embraced within the limits of an incorporated city, and there are any outstanding bonds or other indebtedness of such city chargeable against property within such borough, the city of Los Angeles shall have power to levy and collect upon such property, from time to time, such sums as shall be found due from it on account of its just proportion of liability for any payment on the principal or interest of such indebtedness, and to pay the same in discharging such liability; *and provided, further*, that, in case of the consolidation of city and county governments, the property within any such borough shall be taxable for general purposes of such consolidated city and county, subject, however, to the limitation prescribed in section 259 of this charter.

The principal and interest of all bonds issued by any borough shall be paid through the treasurer of the city of Los Angeles.

(f) The city of Los Angeles shall have exclusive jurisdiction over two streets or highways in each borough which, in themselves, or in continuation of, or in connection with, other streets or highways, extend from the present boundaries of the city of Los Angeles to the water front and to established government harbor lines, if such harbor lines shall have been established at such water front, and of two cross streets within such borough which lead to any docks, wharves, piers, or navigable waters in such borough, which streets and cross streets, and the continuations or extensions of streets, as aforesaid, shall be selected and designated by ordinance of the city council of the city of Los Angeles as harbor highways. The city of Los Angeles shall have exclusive power to control and regulate the use, maintenance and repair of such harbor highways, and the making of excavations therein, and to open, extend, widen, straighten, grade, regrade, macadamize, remacadamize, pave, repave, establish or change the grade of, or otherwise improve, the same, and shall also have exclusive power to control or acquire, own, construct and operate water, gas, electric lighting and power plants, railroads, street railroads, and electric roads and to grant franchises therefor upon and over such harbor highways. The city of Los Angeles, shall also have, throughout the whole of said city, including any such borough, the exclusive power to acquire, construct, own, operate and maintain docks, wharves, piers, canals and seawalls, and to regulate and control navigable waters, anchorage, wharfage and pilotage, and shall have the ownership, possession and control of all tide-

Boroughs. lands and submerged lands below the line of mean high tide, whether filled or unfilled, and of all water front within the limits of said city; *provided*, that not exceeding 1000 feet of water frontage continuous in one body, within any such borough, with any wharves, docks, piers or other improvements thereon or to be placed thereon under authority of any such borough, together with the adjoining co-terminus tide-land or submerged land, is hereby reserved for the uses of such borough, and such borough shall have jurisdiction over such 1000 feet of frontage and such improvements thereon and such co-terminus tide-land or submerged land for municipal purposes, and shall designate such frontage by ordinance within sixty days after the organization of the first board of trustees of such borough; *provided, however*, that such frontage so designated shall not include any portion of water frontage or lands theretofore improved by the city of Los Angeles, except by consent of the city of Los Angeles given by ordinance adopted by its city council; and *provided further*, that such frontage shall be subject to all rights of way for highways, railways, street and other railroads, as may be determined from time to time by the city council of the city of Los Angeles.

Power of city council after consolidation.

Sec. 259. Whenever the consolidation of city and county governments of the territory within the city of Los Angeles becomes effective, the city council, or its successor in office, of the consolidated city and county of Los Angeles shall also exercise the powers of a board of supervisors, including the power to levy and collect taxes, as may be authorized by law, upon all property within such consolidated city and county; *provided*, that in any borough, if any there be, embraced in such consolidated city and county, not exceeding one half of the percentage of the levy of taxes for general purposes of such consolidated city and county, shall be levied and collected from property in such borough. In all other respects such borough shall continue to exist and be governed as hereinbefore provided in this article.

Claims to property held for public use.

Sec. 260. Whenever, in the opinion of the city attorney of Los Angeles, the public interests require him so to do, he shall be authorized, and whenever directed by the city council of Los Angeles, it shall be his duty, to commence and prosecute all actions and proceedings in the name of the city to recover possession of, or to determine adverse claims to, any highway, street, alley, water frontage, tide-land, or other property held for or dedicated to any public use.

Sale of water front.

Sec. 261. It shall be unlawful to sell, convey, alienate, transfer or lease any part of the water front, tide-lands, submerged lands, or other real property or appurtenances thereunto belonging, owned or held by the city of Los Angeles, or by any borough therein, for any public use, unless thereunto authorized by two thirds of the qualified voters of the city voting at a general or special election at which such proposition shall have been submitted: *provided*, that, whenever the

city of Los Angeles shall have acquired the absolute title and possession to more than ten thousand consecutive feet (linear measurement) of water frontage and the co-terminus and adjacent tide and submerged land upon the water front, as fixed by the government harbor lines of the navigable waters of the outer or inner bay of San Pedro, not including frontage upon any island nor frontage held by any borough, nor any frontage created by construction of channels by any person or corporation other than the United States, the city of Los Angeles may lease, by ordinance, from the water frontage in excess of said ten thousand feet so owned by said city, for periods of not exceeding fifteen years, alternate frontages upon such outer or inner bay where it so owns such water frontage, as the case may be, not exceeding one thousand linear feet in a continuous body, together with the adjacent and co-terminus tide-land, to any person or corporation, and said ten thousand feet of water frontage and each alternate thousand feet of such excess water frontage, together with the adjacent and co-terminus tide and submerged land, shall be reserved for public uses as aforesaid. Each such lease shall contain a condition that in case such lease or property, or any part thereof, embraced therein, shall be transferred or subleased, or the control thereof given or granted to any person or corporation so that such person or corporation shall then own, hold or control more than two (2) thousand feet of said water front, upon any part of the outer or inner bay of San Pedro, then such lease, and all rights thereunder shall thereupon be absolutely terminated. Every such lease granted or made hereunder, shall be subject to all rights of way over the tide and submerged land embraced therein for highways, streets, railways, and street and other railroads, as may from time to time be determined by the city council.

Sale of
water
front.

In any case, where the city of Los Angeles or its predecessors in interest or authority shall have executed any lease or grant, or any document purporting to be such, to any person or corporation, the water front, tide-lands, and submerged lands covered thereby, shall not be deemed to be subject to be again leased or granted by the city of Los Angeles under this section until such lease or grant shall have been canceled or otherwise terminated, and until the city of Los Angeles shall have regained peaceable possession of such property.

Sec. 262. For the purpose of opening, improving, constructing or maintaining streets, highways, or other means of public transportation, to navigable waters within the county of Los Angeles, and acquiring the necessary land therefor by purchase or condemnation, and for the further purpose of constructing and maintaining canals and waterways between such navigable waters and any such streets, highways, or means of transportation, and acquiring the necessary land therefor, by purchase or condemnation, and for the further purpose of constructing docks, wharves, and warehouses, within or without the city boundary, to be owned and operated by the city,

Bonds for
harbor
improvement.

and acquiring the necessary land therefor by purchase or condemnation, the city of Los Angeles shall be authorized to incur an indebtedness, in addition to any amount now authorized by law, and to issue bonds therefor, to be designated as "Harbor improvement bonds."

Charter Amendment Number Twenty-three.

That article III of the charter be amended by adding seven new sections thereto, to be known as sections 36a, 36b, 36c, 36d, 36e, 36f, and 36g, immediately after section 36 of said article, and to read as follows:

Shade trees in streets.

Sec. 36a. The council shall have power, by ordinance, to provide for the planting, maintenance, or care of shade and ornamental trees in streets and other public places, and for the removal of unsightly and dead trees therefrom; and to make the cost thereof a lien and charge upon the abutting property, and to make provision for the enforcement of such lien.

Removal of weeds, etc., from lots.

Sec. 36b. The council shall have power, by ordinance, to provide for the removal, from private lands or lots, of weeds, rubbish, or any other material which may endanger or injure neighboring property, or the health or welfare of the residents of the vicinity; to make the cost thereof a lien and charge upon such lands or lots, and to make provision for the enforcement of such lien.

Weeds on sidewalks.

Sec. 36c. The council shall have power, by ordinance, to require the owners of real property in the city to remove grass, weeds or obstructions from the public sidewalks in front of their property, and, upon their default, to cause such work to be done and the cost thereof to be made a lien and charge upon such property, and to make provision for the enforcement of such lien.

Sewer connections.

Sec. 36d. The council shall have power, by ordinance, to require the owners of real property fronting upon any street, lane, alley or other public place, in which there are sewers, water or gas mains or other mains or conduits, to connect their several premises therewith before such street, lane, alley or other public place, or the portion thereof upon which such property fronts, is paved or otherwise improved, and, upon their default, cause such connections to be made and to make the cost thereof a lien and charge upon the property so connected, and to make provision for the enforcement of such lien.

Control use of streets.

Sec. 36e. Except as otherwise provided in this charter, or in the constitution of the State of California, the council shall have power, by ordinance, to regulate and control, for any and every purpose, the use of the streets, lanes, alleys, courts and sidewalks, and other public places of the city.

Boulevards.

Sec. 36f. The council shall have power, by ordinance, to set apart as a boulevard, or boulevards, any street or streets, or portions thereof, and to make regulations for the use of the same.

Licensing of dogs.

Sec. 36g. The council shall have power, by ordinance, to provide for the licensing of dogs, the seizure and impounding

of unlicensed dogs, the care and protection of lost, strayed or homeless dogs, for the protection of the public against dogs, and the destruction of dangerous or vicious dogs, whether licensed or not; to authorize contracts to be made in the name of the city for the care or protection of, or the prevention of cruelty to, animals, for the capture and impounding of all unlicensed dogs, and the maintenance of a shelter for lost, strayed, or homeless dogs; *provided, however,* that the compensation to be paid therefor, must not exceed, in any one year, the amount collected by the city from the payment of licenses for dogs during such year.

That section 34 of article III of the charter be amended to read as follows:

Sec. 34. It shall, by ordinance, regulate the speed of railroad trains, engines or cars, street, or other railroad cars, automobiles and other vehicles in the city, and require persons, firms or corporations, operating railroads or street or other railroads, to station flagmen, place gates, or construct bridges, viaducts, tunnels or subways, at railroad crossings, as the council may deem proper.

Speed of
cars.

Charter Amendment Number Twenty-seven.

That section 58 of the charter be amended to read as follows:

ANNUAL REPORTS OF OFFICERS.

Sec. 58. It shall be the duty of the mayor, city attorney, city treasurer, city assessor, city tax and license collector, chief of police, city auditor, health officer, water overseer, city clerk, city engineer, board of public works, chief engineer of the fire department, city sealer of weights and measures, city school superintendent, board of directors of the Los Angeles public library, and the board of park commissioners, each to present to the council, at its meeting in the second week in July of each year, a report for the preceding year, ending on the 30th day of June last, which shall show as follows:

Annual
reports of
officers.

(1) The mayor shall, in addition to his report as mayor, inform the council of the condition of the police court, the number of arrests made, the offenses charged and how disposed of, the penalties inflicted and amount of fines and from whom collected; and to that end he may require such reports from the police judges as he may deem necessary.

Mayor.

(2) The city attorney shall, in his report, present an abstract of all actions and proceedings in the supreme and superior courts, where the city is an interested party; and shall show what cases have been disposed of during the year, and in what manner, and the condition of those remaining on the calendar.

City
attorney.

(3) The city treasurer shall show, in his report, specifically, the amount of all indebtedness of the city; of money received by him during the year, the date of the receipt thereof, and from whom; the amount paid out, when, and to whom; and

Treasurer.

the date and number of the demands on which the respective amounts are paid.

Tax collector.

(4) The city tax and license collector shall report the amount of money received, and on what account.

Assessor.

(5) The city assessor shall, in his report, show the amount of personal property taxes collected by him, together with the amount of any fees which he may have received on account of such collection in each case.

Auditor.

(6) The city auditor shall make a proper statement of the transactions of his office, as provided in section 43.

Chief of police.

(7) The chief of police shall report the number of arrests made by him, the offenses charged and how disposed of, the number and names of the policemen employed, when appointed and when discharged, and all money and other property received from prisoners and the disposition of the same.

Health officer.

(8) The health officer shall show the condition of the health of the city during the year, and the number of cases of diseases which he has treated; and other matters of interest pertaining to his office.

Water overseer.

(9) The water overseer shall, in his report, show the amount of water rates or charges collected by him; and shall make a detailed statement of the condition of the water systems of the city, so far as the same are entrusted to his charge.

City clerk.

(10) The report of the city clerk shall show the number of licenses issued, and for what amount.

City engineer.

(11) The report of the city engineer shall show the character, cost and condition of all public works and improvements in course of construction during the year.

Board of public works.

(12) The report of the board of public works shall show the cost of erection, alteration and repair of all buildings during the year; and shall show also the general result of its inspection of buildings during the year. Said board shall report also the number of building permits issued by it.

(13) The board of public works shall report upon the condition of the streets of the city and the improvements of the same during the year; and shall show what action was taken by it in the enforcement of ordinances pertaining to street obstructions and in regard to deviations from contract in the construction of public works.

Fire chief.

(14) The report of the chief engineer of the fire department shall show the condition of the fire department and its apparatus, giving a detailed statement thereof; also the work of the department during the year.

Sealer of weights.

(15) The report of the city sealer of weights and measures shall show the amount of charges collected by him, and such other matters as are entrusted to him.

School superintendent.

(16) The report of the city school superintendent shall show the number and condition of the public schools, the number of teachers and their salaries and the number of pupils in attendance.

Public library directors.

(17) The report of the board of directors of the Los Angeles public library shall show the condition of their trust for the

year ending the 30th day of June of that year; the various sums of money received from the library fund and from other sources; for what purpose such money has been expended, and the amount so expended and the balance on hand; the number of books and periodicals on hand; the number added by purchase, gift or otherwise during the year; the number lost or missing; the number of visitors attending; the number of books loaned out, and the general character and kind of such books, with such information and suggestions as it may deem of general interest.

(18) The report of the park commissioners shall show the condition of the parks, with the kind, cost and expense of the improvements, including the entire cost and expense of the department for the year ending June 30th, last preceding.

Park
commiss-
sioners.

That section 150 of the charter be amended to read as follows:

Sec. 150. The board of public works shall present to the city council at its meeting in the second week of July, in each year, a report for the year ending on the thirtieth day of June next preceding, which shall show the amount of money received from the sale of bonds, the purposes for which such money has been expended, the amount so expended, and the balance on hand in each bond fund, and also, such information and suggestions as it may deem of general interest; and the board of public works shall also, on or before the tenth day of each month make out and present to the city council a similar statement of all expenditures during the preceding month of the moneys derived from the sale of bonds.

Report of
board of
public
works.

That subdivision *k* of section 192 of the charter be amended to read as follows:

(*k*) The board of water commissioners shall present to the city council, at its meeting in the second week of July in each year, a report for the year ending on the thirtieth day of June next preceding, which shall show the amount of money received from all sources, the purposes for which such money has been expended, the amounts so expended, and the balance on hand; also the nature and condition of the property held by the board, with such information and suggestions as it may deem of general interest; and the board shall also, on or before the tenth day of each month, make out and present to the city council a similar statement of all receipts and expenditures during the preceding calendar month.

Report of
water
commiss-
sioners.

That section 43 of the charter be amended to read as follows:

CITY AUDITOR.

Sec. 43. The city auditor shall act as the general accountant and fiscal agent of the city, and shall exercise a general superintendence over all of the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenues.

Duty of
auditor.

He shall keep a complete set of books, in which he shall set

Duty of
auditor.

forth in a plain and businesslike manner every money transaction of the city, so as to show at all times the state of each fund, from what source the money was derived, and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person.

He shall, on application of any person indebted to the city, holding money payable into the city treasury, or desiring to pay money therein, certify to the city treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall upon the deposit of the receipt of the city treasurer for money paid into the city treasury, charge the city treasurer with the amount received by him, and give the person paying the same a receipt therefor.

It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the city treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officer all licenses.

He shall report to the council at the regular meeting of each week the condition of each fund in the city treasury and the amount drawn from each fund the preceding week.

He shall make and present a report to the council at its meeting in the second week of July of each year, showing all financial business transactions of the city for the preceding year ending the 30th day of June last.

He shall audit and approve all demands against the city before payment, and keep a record of the same as hereinafter provided in article XXI.

He shall on or before the first day of August in each year, make and present to the council a report as to the revenue and expenses of the city for the current fiscal year, in which he shall set forth estimates of (1), the revenue from other sources than taxation; (2), the itemized expenditures; (3), the itemized amounts necessary to be raised by taxation for each fund.

He shall perform such other duties as shall be required of him by this charter or by ordinance. He shall devote his entire time to the duties of his office.

That section 44 of the charter be amended to read as follows:

CITY TREASURER.

Duty of
treasurer.

Sec. 44. It shall be the duty of the city treasurer to receive and keep all moneys that shall come to the city by taxation or otherwise, and to pay the same out on demands legally audited in the manner hereinafter provided; and without such auditing he shall disburse no public moneys whatever, except the principal and interest of the municipal debt when payable.

He shall receive no money into the city treasury unless accompanied by the certificate of the city auditor provided for in section 43 hereof.

He shall issue receipts in duplicate to all persons paying money into the treasury.

One of which receipts shall be forthwith deposited with the city auditor. Duty of treasurer.

He shall make a report at the close of each business day, to the auditor, showing all moneys received during the day, together with the number of each receipt given by him therefor, and what account and from whom received and to what fund applied.

He shall, on or before the seventh day of each month, make out and present to the council a full and complete statement of the receipts and expenditures for the preceding calendar month; and he shall make such special reports from time to time as may be required by the council.

The mayor, city attorney, city auditor, the finance committee of the council, or any special committee appointed by the council, separately or collectively, and with the aid of an accountant selected by such officer or committee, shall have the right and power to examine the books of the treasurer at all times; and the mayor, auditor or finance committee shall also have the right to inspect and count all public moneys under the treasurer's control, or on deposit elsewhere. Whenever the city shall provide a proper vault and safes in the city hall for the keeping of the city money, the treasurer shall keep said moneys in said vault, except as hereinafter provided. It shall be in the power of the council, by ordinance, at any time to require the city treasurer to devote his entire time to the duties of his office.

That section 46 of the charter be amended to read as follows:

CITY ASSESSOR.

Sec. 46. It shall be the duty of the city assessor, in addition to any duty that may be elsewhere prescribed for him by this charter or by ordinance, to make out, within such a time as may be prescribed by ordinance of said city, either now in force or which may hereafter be passed in pursuance hereof, a full, true and correct list of all the property, both real and personal, taxable by law, within the limits of said city, with the valuation thereof, and assess the same to the persons by whom it was owned or claimed, or in whose possession or control it was, at twelve o'clock meridian on the first Monday of March next preceding. Duty of assessor.

Each taxpayer in said city shall make and deliver to the city assessor annually, and at such time as shall be provided for by ordinance, 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 next preceding.

It shall be the duty of the assessor to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said city sufficient to afford ample security for the collection of said taxes.

In all such cases he shall be governed in fixing the amount of the tax by the rate of the tax levy for the preceding year.

Duty of
assessor.

Immediately after fixing the assessment on such property he shall serve on its owner or owners a notice in writing, which shall specify the assessed valuation of the property, the rate per cent and the amount of tax payable, and contain a demand for the payment of said tax within three days after service of said notice. Said notice shall be served personally, or by leaving a copy of the same at the last known place of residence of the person whose property is so assessed.

Upon the expiration of said three days after such service, if the tax demanded still remains unpaid or payment thereof be not secured to the satisfaction of the city attorney and city assessor, the assessor shall forthwith proceed to collect the same by seizure and sale of any personal property owned by the delinquent.

The said sale shall be made by him in the manner provided in sections 3791, 3792, 3793, 3794, 3795 and 3796 of the Political Code of the State of California; *provided*, that the newspaper referred to in section 3792 shall be published in the city, and shall be designated by the council.

As soon as the rate is fixed for the year in which such collection is made, if it be found that a sum in excess of said rate has been collected, the excess must be repaid in the same manner as other demands against the city are paid, to the person from whom the collection was made, or to his assigns. And if a sum less than the rate fixed has been collected, the deficiency must be collected as other taxes on personal property are collected.

Should the board of equalization reduce the valuation for the same year of the property so assessed, the sum collected in excess of said reduced valuation must be repaid in like manner, to the person from whom the collection was made, or to his assigns. And if the valuation of said property should be increased by said board, then the deficiency must be collected as other taxes on personal property are collected.

The assessor shall carefully note upon his assessment list, and also in a book to be kept by him for the purpose, all collections made by him under this section, and shall turn over to the city treasurer all money received immediately upon its receipt.

In case the said assessor shall fail to demand, and through his fault to collect, any and all taxes which by this section he is directed to collect, he shall be and become personally liable to the city for the amount of said delinquent taxes, with interest from the date of their assessment; and the council is authorized and directed to cause proper action or actions at law to be brought against said assessor and the sureties on his official bond to recover the same.

The mode of making out assessment lists, of ascertaining the value of property and of equalizing the same shall be such as is now, or may hereafter be, prescribed by the ordinances of the city.

When such list has been made out and the same returned to the council, as prescribed by such ordinances, the council shall, at the time and in the manner in such ordinance provided, sit and act as a board of equalization, and shall have, as regards the equalization of said list, powers similar to those conferred by law upon the board of supervisors of Los Angeles county, as a board of equalization of state and county taxes.

The meetings of said board of equalization shall be public, and notice of such meetings shall be given by publication at such time and in such manner as shall be provided by ordinance. The said board shall have the power, in its discretion, to increase or diminish the amount of any or all of the assessments on said lists, both as to real and personal property; *provided* that before any such assessment shall be increased, due notice shall be given to the owner or owners of the property the assessed value of which is sought to be increased, and such owner or owners shall have the opportunity to be heard before the board, under oath, such notice to be regulated in all respects by ordinance.

Board of
equaliza-
tion.

After such list has been equalized, it shall be returned to the council, which shall forthwith fix the levy or rate per cent of taxes levied for all municipal purposes for that fiscal year.

Every tax so levied shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute a lien upon the real property situated in said city so assessed or owned by the party against whom such assessment is made.

Every such assessment and the lien thereof shall have the force and effect of an execution duly levied upon all property owned by the party assessed, or by the unknown owner of such property when assessed to an unknown owner. The judgment is not satisfied nor discharged until the tax assessed against the property and the owners is paid, or the property sold for the payment thereof.

The said corporation shall have such other rights, claims and liens for the amount of such municipal taxes as may now or hereafter be given to or exercised by the people of the State of California for and on account of the assessment of state and county taxes levied in Los Angeles county.

The mode and manner of collecting such municipal taxes, and enforcing such tax lien, and the proceedings thereafter, shall substantially be the same as the mode and manner at the time prescribed by law for the collection of state and county taxes in said county; *provided, however*, that the council may, by ordinance, have the power to regulate the time or times of the collection of said taxes within each fiscal year, and prescribe by what officers the respective duties appertaining to such collection and enforcement shall be performed. All such proceedings, sales, certificates and conveyances had, made and executed by them in pursuance thereof, shall be of like force, effect and validity as is or may hereafter be given by law to

Mode of
collecting
taxes.

like proceedings and acts in the matter of the collections of state and county taxes in said county.

That section 205 of the charter be amended to read as follows:

Registers used at elections.

Sec. 205. The registers used at any election held in pursuance of this charter shall be registers used at the last preceding general state election in the precincts in which such municipal election is held, together with supplemental registers showing all additional registrations, transfers, and changes, since the closing of registration for such general state election. It shall be the duty of the county clerk of the county of Los Angeles to furnish such registers, together with such supplemental registers, showing all additional registrations, transfers and changes since the closing of registration for the last preceding general state election, with proper indices thereto, to the city clerk of said city at least five days before the holding of such municipal election.

Charter Amendment Number Twenty-eight.

That section 32 of the charter be amended to read as follows:

Naming of streets.

Sec. 32. It shall, by ordinance, provide for the naming of streets and numbering of houses, and for regulating or preventing the exhibition of banners, flags or placards across the streets, or sidewalks, and for regulating or suppressing public criers, advertising, ringing of bells, and other noises.

Flags on public buildings.

It shall, by ordinance, forbid the erection or display on any building or property of the city, of any banner, device or flag of any state or nation except that of the United States, the State of California, or the city of Los Angeles.

Public celebrations.

The council may by ordinance authorize the expenditure of money, not to exceed the sum of five thousand dollars, in any one fiscal year, for the proper celebration of the anniversary of the declaration of national independence, and such other public celebrations, events, or demonstrations as the council may deem proper.

Charter Amendment Number Thirty-one.

That a new section be added to the charter, immediately after section 199 thereof, to be designated as section 199½, and to read as follows:

Propositions at special elections.

Sec. 199½. The city council may, in calling special elections, order the consolidation thereof; *provided, however*, that not more than ten separate propositions or questions shall be submitted in any one election.

Certificate of mayor and city clerk.

That said ten proposed amendments were, and each of them was, published for twenty days in a daily newspaper, printed and published in said city, and of general circulation therein, to-wit: "The Los Angeles Daily Journal," said publication ending on the 23rd day of December, 1908.

That thereafter the city council of said city, did, by an ordinance known as ordinance No. 17589 (new series) which was

duly adopted on the 29th day of December, 1908, order the holding of a special municipal election in said city of Los Angeles on the 2nd day of February, 1909, which said last-mentioned date was at least forty days after the publication of said proposed amendments for twenty days in said daily newspaper of general circulation in said city of Los Angeles, to-wit: "The Los Angeles Daily Journal," and did provide in said ordinance for the submission of said ten proposed amendments to the said charter, to the qualified electors of said city for their ratification at said special municipal election, which said ordinance was approved by the mayor of said city on the 29th day of December, 1908, and was published for at least ten days prior to the time appointed for the holding of said election in "The Los Angeles Daily Journal," a daily newspaper printed and published in said city.

Certificate
of mayor
and city
clerk.

That at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each and all of said ten proposed amendments to said charter.

That the city council of said city of Los Angeles, at a special meeting thereof held within ten days after said election, duly canvassed the returns of said election, and duly found, determined, and declared that a majority of such qualified electors, voting thereon, had voted for and ratified each and all of the said proposed amendments to said charter.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed the corporate seal of the city of Los Angeles, this 5th day of February, 1909.

(SEAL OF THE
CITY OF LOS ANGELES)

A. C. HARPER,
Mayor of the City of Los Angeles.

H. J. LELANDE,
City Clerk of the City of Los Angeles.

AND WHEREAS, The said ten proposed amendments so ratified as hereinabove set forth have been duly presented and submitted to the legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it

Resolved by the senate of the State of California, the assembly concurring (a majority of all members elected to each house, voting for the adoption of this resolution and concurring herein), that the said ten amendments to the said charter of said city of Los Angeles hereinabove set forth, as presented, and as submitted to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved, as a whole, for and as amendments to the said charter of said city of Los Angeles.

Approval
of legisla-
ture.

CHAPTER 23.

Senate Joint Resolution No. 15, relating to the changing of old names of the United States forest reserves.

[Adopted March 12, 1909.]

Names of forest reserves, request to restore.

WHEREAS, On December 20th, 1892, the San Gabriel forest reserve was created by proclamation of the president of the United States and on February 25th, 1893, the San Bernardino forest reserve was created in a similar manner, and on February 14th, 1907, the San Jacinto forest reserve was created in a similar manner, all being situated in the southern part of California; and

WHEREAS, The names given to these respective reserves at the time of their creation are the ancient names of the mountain ranges in which they are situated, and they were and still are, well-known names; and

WHEREAS, On the 26th day of June, 1908, by proclamation of the president of the United States, upon recommendation of the department of agriculture and through the suggestion and influence of the Hon. Gifford Pinchot, the forester of the United States, the San Bernardino and San Gabriel forest reserves were combined and given the new name of Angelus forest reserve, and the San Jacinto forest reserve was renamed Cleveland forest reserve; and

WHEREAS, The people residing in the neighborhood of these reserves, and the people generally throughout the state, have become accustomed to and attached to the ancient names adopted and used in California; and

WHEREAS, The changing of these names not only is deplored by the people of California from sentimental reasons, but is the cause of great confusion in the use of the names; therefore, be it

Resolved by the senate and assembly jointly, That the president of the United States be and he is hereby requested to take the necessary steps and issue necessary proclamations to restore to these reserves their original and ancient names.

CHAPTER 24.

Senate Concurrent Resolution No. 15.

[Adopted March 12, 1909.]

Congratul-
ations to
president
and vice-
president.

WHEREAS, Honorable William H. Taft is to-day about to be inaugurated into the office of president of the United States of America, and Honorable James S. Sherman is to-day about to be inaugurated into the office of vice-president of the United States of America; and

WHEREAS, There is a general feeling of satisfaction and confidence among the people of this Union, because of the high character and splendid patriotism of their president-elect and vice-president elect; therefore, be it

Resolved by the senate of the State of California, the assembly concurring, That the congratulations of this legislature in its thirty-eighth session, be extended to president-elect Taft and to vice-president-elect Sherman upon their inauguration as president and vice-president respectively, and be it further

Resolved, That the best wishes of this legislature be extended not only to the president-elect and vice-president-elect, but to the whole people, whom they will serve and represent.

CHAPTER 25.

Senate Joint Resolution No. 2, relative to purchase by federal government of Henry ranch at Atascadero, California, for military camps, maneuvers and rifle ranges for regular troops and national guard.

[Adopted March 12, 1909.]

WHEREAS, The State of California is lacking in a public site suitable for extensive military encampments, military maneuvers, and modern long range rifle practice; for the national guard; and

Request
that
federal
govern-
ment
purchase
Henry
ranch.

WHEREAS, It is necessary that such a permanent public site be obtained and dedicated to training and drilling the national guard of California in coöperation with troops of the United States army in military encampment, military maneuvers, and modern long range rifle practice; and

WHEREAS, That tract of land, known as the Henry ranch (comprising about twenty-two thousand acres, and situate at Atascadero, county of San Luis Obispo, State of California, two hundred miles south from the city of San Francisco, and readily accessible from all parts of the state) contains (1) location suitable for modern rifle ranges; (2) extensive diversified areas adapted for war maneuvers; (3) an excellent drill ground comprising several hundred acres, which is surrounded by four capacious and elevated camping grounds; and

WHEREAS, Said ranch is well provided with wood, water, drainage; and with favorable conditions of climate and sanitation; and

WHEREAS, Said ranch fulfills all the requirements for military encampments, maneuvers and rifle ranges; therefore, be it

Resolved by the senate and assembly jointly, That the United States senators from the State of California be instructed, and

the representatives in congress from the State of California be requested, to use all honorable endeavors to have the congress of the United States make provision to purchase said Henry ranch for the military purposes indicated herein; and be it further

Resolved, That copies of this resolution be forwarded forthwith by the secretary of the senate to each United States senator, and each representative in congress, from the State of California.

CHAPTER 26.

Senate Constitutional Amendment No. 11. A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, providing 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 be exempt from taxation, and to that end amending section one and repealing section four of article thirteen of the constitution of the State of California.

[Adopted March 16, 1909.]

Amend-
ment to
constitu-
tion.

The legislature of the State of California, at its regular session, commencing the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California:

First. Section one of article thirteen is hereby amended to read as follows:

Exempt-
ing mort-
gages from
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.

Second. Section four of article thirteen is hereby repealed.

CHAPTER 27.

Senate Constitutional Amendment No. 44. A resolution to propose to the people of the State of California an amendment of the constitution of the State of California, providing for the classification by the legislature of cities and towns by population for the purpose of regulating the business of banking, by amending section five, article twelve of the constitution of the State of California.

[Adopted March 16, 1909.]

The legislature of the State of California, at its regular session, commencing the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendments to the constitution of the State of California:

Amend-
ment to
constitu-
tion.

First. Section five of article twelve is hereby amended to read as follows:

Section 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.

Regula-
tion of
banking
business.

CHAPTER 28.

Senate Concurrent Resolution No. 11, relative to the appointment of President Lincoln monument commission.

[Adopted March 16, 1909.]

Lincoln
monu-
ment com-
mission.

Resolved by the senate of the State of California, the assembly concurring, That the lieutenant-governor shall appoint two members of the senate, and the speaker of the assembly shall appoint two members of the assembly, and the governor of the State of California shall appoint a citizen of the State of California, to act in conjunction with the trustees of the President Lincoln Monumental League, or their successors, who, at present are, W. W. Stone, James D. Phelan, Horace Davis, E. B. Pond and C. Mason Kinne, as follows: 1, for the purpose of selecting a site, together with plans, specifications and models for a memorial monument of Abraham Lincoln, and estimates and bids therefor, the sum total of all costs, charges and expenses, estimates and bids to be not more than one hundred thousand dollars, of which sum, fifty thousand dollars shall be hereafter contributed by said President Lincoln Monumental League; 2, for the purpose of determining, and reporting to the legislature of the State of California, the advisability of the erection within the State of California of a President Abraham Lincoln memorial monument, as herein above set forth, and the appropriation by the legislature of fifty thousand dollars as a contribution therefor. There shall be no cost, charge, or expense, or liability upon the State of California, from, or by reason of, any of the above matters or proceedings herein provided for.

CHAPTER 29.

Senate Concurrent Resolution No. 17, approving six certain amendments to the charter of the city of Oakland, in Alameda county, California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose on the fifth day of March, one thousand nine hundred and nine.

[Adopted March 16, 1909.]

Amend-
ment to
charter of
city of
Oakland.
Preamble.

WHEREAS, The city of Oakland, in the county of Alameda, State of California, contains a population of over one hundred thousand inhabitants, and has been ever since the year eighteen hundred and eighty-nine and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified

electors of said city at an election held for that purpose in manner, form and substance as required by law, and approved by the legislature of the State of California, and said charter has not been amended at any time less than two years; and

WHEREAS, The legislative body and authority of the city of Oakland, in Alameda county, California, that is to say, the council of the city of Oakland, did, by ordinance No. 2833 passed and adopted by said council on the twenty-ninth day of December one thousand nine hundred and eight and approved by the mayor of said city subsequently thereto and on the twenty-ninth day of December one thousand nine hundred and eight and pursuant to section eight of article eleven of constitution of the State of California, duly propose to the qualified electors of the said city of Oakland, eight certain amendments to the charter of the said city of Oakland, and said amendments were set forth and described in said ordinance No. 2833; and

WHEREAS, Said proposed amendments were, and each of them was published in a daily newspaper, printed and published in said city, and of general circulation in said city, to wit, the "Oakland Enquirer," for twenty (20) days; and

WHEREAS, Thereafter the said council of the city of Oakland, did, by an ordinance known as number 2851 which was duly passed and adopted by said council on the fifteenth day of February, one thousand nine hundred and nine, order the holding of a special election in said city of Oakland, in county of Alameda, California, on the fifth day of March one thousand nine hundred and nine (which last named day was at least forty days after the publication of said proposed amendments for twenty days in said daily newspaper of general circulation, in said city of Oakland, to wit, the "Oakland Enquirer"), and did provide in said ordinance for the submission of said proposed amendments to the said charter, to the qualified electors of said city, for their ratification at said special election, which said ordinance was approved by the mayor of said city on the seventeenth day of February, one thousand nine hundred and nine, and was published in the manner and for the time required by law; and

WHEREAS, Said proposed amendments were submitted as aforesaid to the qualified electors of said city, at said special election previously duly called and thereafter held therein (at least forty (40) days after the publication of said proposals for twenty (20) days in a daily newspaper of general circulation in said city of Oakland, to wit, in the "Oakland Enquirer"), on the fifth day of March one thousand nine hundred and nine; and

WHEREAS, At said special election six of said proposed amendments, to wit, amendments Nos. one, two, five, six, seven, and eight were and each of them was ratified by a majority of the qualified electors of said city of Oakland, voting thereon; and

Preamble. WHEREAS, The said council of the city of Oakland in county of Alameda, California, at a meeting thereof held in accordance with law, on Monday, the eighth day of March, one thousand nine hundred and nine, duly canvassed the returns of said election, and duly found, determined and declared that at said special election six of said proposed amendments, to wit, Nos. one, two, five, six, seven and eight, were and each of them was ratified by a majority of the qualified electors of said city of Oakland, voting thereon; and

WHEREAS, The said amendments to said charter so ratified are in words and figures, respectively as follows:

That a new article be added to said charter the same to be known as article XII thereof, and said article to be and read as follows:

Park Commissioners.

Park
commis-
sioners.

Section 209. All land and water parks owned or controlled by the city of Oakland and all grounds surrounding public buildings of the city of Oakland, and all parks, squares and public pleasure grounds hereafter established or acquired by the city of Oakland shall be (anything to the contrary in the charter of city of Oakland notwithstanding), unless otherwise provided in this article, under the exclusive control and management of a board of commissioners, who shall be designated as park commissioners.

Number,
and term
of office.

Section 210. The commissioners shall be three in number and they shall be appointed by the mayor and shall receive no compensation for their services. Of those first appointed he shall appoint one for two years, one for three years and one for four years. Upon the expiration of each of said terms for which appointment is made he shall appoint for four years one person as the successor of the commissioner whose term of office expires.

Organiza-
tion.

Section 211. The commissioners shall organize by electing one of their number president and the board may elect a secretary who is not a member of the board. The secretary so elected may receive a salary to be fixed by said board or the secretary of the board of public works may be appointed as said secretary, and when appointed he shall perform the duties of said office of secretary without compensation. The board shall establish rules and regulations for its government and for the performance of its duties and for the conduct of its officers and employes, and may require adequate bonds from all of them, except laborers, for the faithful performance of their duties, in such sums as may be fixed by it.

Quorum.

The person elected president shall hold his office for one year, and until his successor is elected. The board must hold regular meetings at least once in two weeks and as many special meetings as it may deem proper. Two of the commissioners shall constitute a quorum for the transaction of business.

Work
ordered.

All work ordered by the park commissioners or required to be done by them shall be governed as to such work and con-

tracts therefor by the provisions of this charter governing the department of public works.

Section 212. The commissioners (anything to the contrary in the charter of the city of Oakland notwithstanding), shall have the complete and exclusive control, management and direction of the said parks, squares and grounds, and the exclusive right to erect, and to superintend the erection of buildings and structures thereon pertaining to park purposes; *provided, however*, that the board of public works, the council concurring, may erect or cause to be erected any municipal building or buildings thereon; said commissioners may employ and appoint superintendents, laborers, surveyors, gardeners, engineers, and other officers and assistants, and prescribe and fix their duties, authority and compensation. They shall have the exclusive management and disbursement of all funds legally appropriated or received from any source for the support of said parks, squares and grounds.

Power of
commis-
sioners.

Nothing in this section shall be so construed as to authorize the commissioners to lease any part of any of said parks, squares and grounds to any person, firm or corporation for any purpose, or to permit any person, firm or corporation to build or maintain any structure on any part of said parks, squares or grounds; *provided, however*, the board is not inhibited from leasing for a period not greater than one year, such buildings as may be constructed by itself for the use of the public to such person, firm or corporation who shall undertake to serve such use; and in every such lease the board shall reserve the right to enter at all times into and upon the premises so leased, and shall make the condition that the building so leased shall be used for park pleasure purposes only; *provided also, however*, that the said park commissioners may lease park grounds under their control for a period greater than one year with the concurrence of the council of the city of Oakland and the board of public works; *and provided further*, that the council of the city of Oakland and the board of public works may cause to be executed for and on behalf of said city of Oakland by the mayor of said city of Oakland a lease of park grounds for exposition or convention purposes, but no such permission or lease shall be granted except such exposition or convention be of national, state or municipal importance.

Leases.

Section 213. The board of park commissioners may for and on behalf of the city of Oakland, receive donations, legacies or bequests for the improvement of said parks, squares and grounds, and all moneys that may be derived from such donations, legacies or bequests shall, unless otherwise provided by the terms of such donation, legacy or bequest, be deposited in the treasury of the city of Oakland to the credit of the park fund. The same may be withdrawn therefrom and paid out in the manner as is provided for the payment of moneys legally appropriated for the support and improvement of such parks, squares and grounds.

Donations
and
bequests.

Works of
art.

Section 214. 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 Oakland. 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, and suitable for park adornment.

Said proposed article XII as herein stated shall be and shall be known and designated as Amendment No. One (1) to the charter of the city of Oakland, county of Alameda, State of California.

That section 133 of said charter of city of Oakland be amended to read as follows:

Free
libraries.

Section 133. *a.* There shall be maintained in the city of Oakland free public libraries and reading rooms, to be known as "The Oakland Free Library."

Board of
trustees.

b. Such public libraries and reading rooms shall be managed by a board designated as the board of library trustees, consisting of five members, to be appointed by the mayor. Such trustees shall severally hold office for three years, serving without compensation; *provided*, that the members of the first board appointed shall so classify themselves by lot that one of their number shall go out of office at the end of the current fiscal year, two at the end of the year thereafter, and the other two at the end of the two years thereafter. Men and women shall be equally eligible to such appointment; and vacancies shall be filled by appointment for the unexpired term in the same manner.

Meetings.

c. The board of library trustees shall meet at least once a month at such times and places as they may fix by resolution. Special meetings may be called at any time by the president or by three trustees, by written notice mailed to each member at least twenty-four hours before the time specified for the proposed meeting. A majority of the board shall constitute a quorum for the transaction of business. The board shall appoint one of its number president, and one secretary, who shall serve for one year and until their successors are appointed. In the absence of the president it shall select a president pro tem. The board shall cause a proper record of its proceedings to be kept, and, at the first meeting of the board of trustees it must immediately upon organization cause to be made out and filed with the state librarian at Sacramento a certificate showing the names of the trustees and of the officers of the board chosen for the first year.

Powers of
board.

d. The board of library trustees shall have power:
First—To make and enforce all rules, regulations, and by-laws necessary for the administration, government and protection of the said Oakland free library, and all property belonging thereto or under its control, or that may be loaned thereto.

Second—To administer any trust declared or created for said Oakland free library, and receive by gift, devise, or bequest, and hold in trust, or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the same for the benefit of said library. Powers of board.

Third—To prescribe the duties and powers of the librarian, clerk and other officers and employees of the libraries and reading rooms; to determine the number and all qualifications as to residence or otherwise of all such officers and employees, and appoint the same and fix their compensation. Said officers and employees shall hold their offices or positions at the pleasure of said board.

Fourth—To purchase necessary or convenient books, journals, publications and other personal property.

Fifth—To purchase such real property, and erect or rent and equip, such building or buildings, room or rooms, as may be necessary, when in its judgment suitable buildings, or portions thereof, have not been provided by the legislative body of the city of Oakland.

Sixth—To require the secretary of state and other state officials to furnish said library with copies of any and all reports, laws and other publications of the state not otherwise disposed of by law.

Seventh—To borrow books from, lend books to and exchange the same, with other libraries, and to allow non-residents to borrow books upon such conditions as it may prescribe.

Eighth—To establish such branch libraries and reading rooms as the growth of the city may from time to time require.

Ninth—To accept from donors suitable articles for museums and art galleries, and when in its judgment proper means have been provided it shall locate, erect, and equip said museums and art galleries, and manage and control the same in the manner that it manages and controls the libraries and reading rooms.

Tenth—To do and perform any and all other acts and things necessary or proper to carry out the provisions of this section 133.

e. The legislative body of the city of Oakland shall in making the annual tax levy and as part thereof levy a tax not to exceed one mill on the dollar for the purpose of establishing and maintaining in such city free public libraries and reading rooms, and purchasing such books, journals, and other publications, purchasing and leasing such real and personal property and erecting such buildings as may be necessary therefor. Library tax levy.

f. The revenue derived from such tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purposes of the library, shall be paid into the city treasury and apportioned to a fund to be designated the library fund, and be applied only to the purposes herein authorized. If such payment into the treasury should be inconsistent with the conditions of terms of any gift, devise, or bequest, the board shall provide for the safety and preservation of the same, and the Disposition of revenue.

application thereof to the use of the library in accordance with the terms and conditions of such gift, devise or bequest. Payments from said fund shall be made only on warrants passed in open meeting by the board, and duly certified by the president and secretary thereof.

Library
must be
free.

g. The Oakland free library shall be forever free to the inhabitants and non-resident taxpayers of the municipality, subject always to such rules, regulations and by-laws as may be made by the board of library trustees; and *provided*, that for violations of the same a person may be fined or excluded from the privileges of the library.

Lending of
books.

h. The board of library trustees may contract with the legislative bodies of neighboring municipalities or the board of supervisors of Alameda county for lending the books of the library to residents of said county or neighboring municipalities, upon a reasonable compensation to be paid by said county or neighboring municipalities.

Title to
property.

i. The title to all property acquired for the purposes of the Oakland free library, when not inconsistent with the terms of its acquisition, or otherwise designated, shall vest in the city of Oakland, and in the name of the municipal corporation may be sued for and defended by action at law or otherwise.

Report of
trustees.

j. The board of library trustees shall, on the day following the August meeting of said board in each year, make a report to the legislative body of the city of Oakland, giving the condition of the libraries and reading rooms, museums and art galleries on the thirtieth day of June preceding, together with a statement of its proceedings for the year then ended, and must immediately upon publication of such report, forward a copy thereof for filing to the state librarian at Sacramento.

Appropriation
of
grounds.

k. The council concurrently with board of public works shall have power to appropriate, and authorize the use, either in whole or in part, of any real estate belonging to the city for the purpose of erecting and maintaining a building or buildings thereon to be used for the library and reading rooms, or branches thereof, or for museums or art galleries, and may appropriate the whole or any portion of any public building belonging to the city for such use.

Terms of
office of
trustees.

l. In the event that this said amendment to Section 133 is ratified by the legislature of State of California on or before March 31, 1909, then and in that event the term of office of any person elected or then occupying position of library trustee shall cease immediately on the expiration of March 31, 1909, and the office of library trustee shall by virtue of said ratification of this said amendment to section 133 be deemed vacant as of time last mentioned and said vacancies in the offices of library trustees shall be filled by appointment as herein provided. In the event that persons are elected to office of library trustees at municipal election held in city of Oakland on March 8, 1909, such persons (anything to the contrary in this charter notwithstanding) shall not take office or qualify in the event that said amendment to section 133 is ratified on

or before March 31, 1909, by legislature of State of California, but the offices of library trustees shall be filled by appointment as herein provided.

This proposed amendment to said section one hundred and thirty-three (133) shall be known as Amendment Number Two (2) to the charter of the city of Oakland.

That a new subdivision to section 31 be added to said section 31, said new subdivision to be known as subdivision 52, and to read as follows:

52. To provide for the construction, maintenance and use of and on the water front of the city of Oakland, wharves, docks, slips, warehouses, railroads and all other necessary or desirable improvements; to grant franchises as now or hereafter provided by law, and also for the construction and use of wharves, docks, slips, warehouses, railroads and railroad terminals on the water front; to prescribe the number and compensation of wharfingers, agents and employees necessary to carry into effect the powers concerning the water front now possessed, or conferred upon the council of the city of Oakland or the board of public works and all powers of the city of Oakland concerning the water front; to provide for and direct the maintenance or defense of all suits or actions at law or equity or otherwise on behalf or against the city of Oakland, involving said water front of the city of Oakland, or any land, water, property, or improvements therein or the control, use, regulation, possession or title thereof, or necessary to enforce powers possessed or hereby conferred on the city of Oakland; to provide for and direct the acquisition by the city of Oakland either by purchase or condemnation of lands and improvements or lands or improvements within the limits of the city of Oakland, or adjacent thereto, necessary for the development and use of water front of the city of Oakland, and may declare such lands or premises so acquired by purchase or condemnation to be a part of the water front of the city of Oakland.

This proposed amendment to section 31, shall be known as Amendment Number Five (5) of the charter of the city of Oakland.

That a new section be added to said charter of the city of Oakland, the said section to be known as 71a and said new section 71a shall read as follows:

71a. The board of public works shall, subject to such ordinances as the council may from time to time adopt, have full power to regulate, control, operate and manage the use of the water front of the city of Oakland, and all wharves, docks, slips, warehouses, railroads and other improvements thereon; to direct and control the anchorage and dockage of vessels either within or without the limits of the city of Oakland; to collect all rents, tolls, dockage, wharfage or other charges or payments due the city for the use of the water front or any portion thereof or improvements thereon, and to enforce payment thereof by suits or actions at law or other legal means; to remove all obstructions, encroachments or structures that are unlawful

Water
front
improvements.

Control of
water
front.

or unauthorized or without warrant of law upon the water front and to employ, govern and dismiss such wharfingers, agents, and employees as may be necessary for carrying into effect the powers concerning water front now possessed by the city of Oakland or hereafter conferred upon it, or upon the council of the city of Oakland or upon the board of public works, and prescribe their number and compensation.

This proposed amendment entitled section 71a shall be known as Amendment Number Six (6) of the charter of the city of Oakland.

That section 31, subdivision 29 of said charter of the city of Oakland be amended to read as follows:

Franchises
for
railroads.

29. It shall be the duty of the council and the council is hereby required to grant to any railroad company or corporation applying therefor, a franchise to lay and maintain tracks along any line selected by the applicant and to pass with steam railroads along, upon and across or elevated above or placed below any street or streets within that portion of the city which lies west and south of a dividing line commencing at the point where the east line of Halleck street intersects the present charter line of the city, and running thence southwardly in a straight line to the northwesterly corner of block No. 770; thence southwardly along the east side of Wood street to the northeasterly corner of Taylor and Wood streets; thence on a curve with a radius of three quarters of a mile to a point where said curve intersects the south line of the right of way of the Western Pacific Railroad Company; now occupied by the Southern Pacific Company, near the foot of Cypress street extended southwardly, and thence along the said line of said right of way of the Western Pacific Railroad Company until the same intersects the present eastern charter line of the city. And in case that the limits of the city be hereafter extended northwardly and eastwardly, the said dividing line shall be extended northwardly to the northern limit of the city, keeping parallel with and 300 feet east of the right of way of the Northern Railway Company; and shall be extended eastwardly to the eastern limit of the city, keeping along the southerly line of said right of way of the Western Pacific Railroad Company.

Water
front
privileges.

And the council shall, upon said portion of the city, grant equal privileges, subject to the general laws of the State of California, to all railroad companies or corporations to enter the city and operate and maintain railroads for the convenience of the public to and upon the water front of the city; and shall grant to such companies or corporations, without discrimination between them, the right to construct and maintain freight and passenger depots, engine houses, workshops, wharves, docks, slips, ferries, landing places and other terminal facilities; *provided*, that no franchise for terminal facilities upon land exceeding 1000 feet of frontage on the water front shall be granted to any one company or corporation, or to any companies or corporations under one management and control; *provided, however*, that the council of the city of Oakland

within the territory next hereinafter described may grant franchises for terminal facilities upon land exceeding one thousand feet of frontage on the water front to any person, company or corporation or to any companies, or corporations under one management or control.

Terminal facilities.

All that certain lot, piece and parcel of land situated in the county of Alameda, State of California, and bounded on the north by the north side of the Oakland mole and its continuation known as Long wharf and the Oakland mole produced easterly to Pine street, as they at present exist; on the south by a line drawn parallel to and distant 1085 feet northerly from the north line of the franchise heretofore granted by the city of Oakland to the Western Pacific Railway Company; on the west by a line passing through the western extremity of the passenger ferry slip at the end of Oakland mole and running due north and south; on the east by the western line of Pine street, and said Pine street produced southerly.

This said proposed amendment to said section 31, subdivision 29 shall be known and described as Amendment No. Seven (7) to the charter of the city of Oakland.

That section 31, subdivision 30 of said charter of the city of Oakland be amended to read as follows:

30. The council shall, upon the portion of the city designated in the preceding subdivision of this section grant, subject to general laws, to all companies or corporations desiring to acquire or condemn property for public uses, equal privileges to construct and maintain wharves, docks, slips, landing places, ferries, warehouses and other properties devoted to public uses, but not upon land exceeding 1000 feet of frontage upon the water front to any one company or corporation, or to any companies or corporations under one management or control; *provided, however,* that upon the land secondly described in the preceding subdivision of section 31, the council of the city of Oakland may grant for said purposes franchises exceeding one thousand feet of frontage upon the water front to any person, company or corporation, or to any companies or corporations under one management or control.

Privileges to construct wharves.

This proposed amendment to said section 31, subdivision 30 shall be known and described as Amendment No. 8 to the charter of the city of Oakland;

AND WHEREAS, The said proposed amendments to the charter of the city of Oakland, so ratified as aforesaid, and as hereinbefore set forth, are now submitted to the legislature of the State of California, for approval or rejection as a whole.

STATE OF CALIFORNIA,)
 COUNTY OF ALAMEDA,) SS.
 CITY OF OAKLAND.)

This is to certify that we, Frank K. Mott, mayor of the city of Oakland, and Frank R. Thompson, clerk of the city of Oakland, have compared the foregoing proposed and ratified amendments to the charter of the city of Oakland, with the original

Certificate of mayor and city clerk.

ordinance proposing such amendments and submitting the same to the qualified electors of said city of Oakland, at a special election called for that purpose, on Friday, the fifth day of March, one thousand nine hundred and nine (1909), and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter and the matters set forth therein, are and each of them is true.

IN WITNESS WHEREOF, We have herunto set our hands and caused the corporate seal of the city of Oakland to be attached, this 9th day of March, one thousand nine hundred and nine.

[SEAL OF THE
CITY OF OAKLAND.]

FRANK K. MOTT,
Mayor of the City of Oakland.

FRANK R. THOMPSON,
City Clerk of City of Oakland.

Now, therefore, be it

Approval
of legisla-
ture.

Resolved by the senate of the State of California, the assembly thereof concurring (a majority of all members elected to each house, voting for the adoption of this resolution and concurring therein), that the said amendments to the said charter of said city of Oakland, hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of said city of Oakland, be, and the same are, hereby approved as a whole, for and as amendments to and as part of the said charter of said city of Oakland.

CHAPTER 30.

Senate Joint Resolution No. 3, relative to transportation rates and urging our representatives in congress to support measures granting increased powers to the interstate commerce commission.

[Adopted March 16, 1909.]

Preamble.

WHEREAS, The transcontinental lines have put into effect advances in freight rates between California points and the east and vice versa; and

WHEREAS, These advances will place a burden upon manufacturers, merchants and producers to an extent estimated to approximate \$10,000,000 per year; and

WHEREAS, In view of the statements made by the transcontinental railroads showing increased net earnings; and

WHEREAS, Various protests have been filed with the said transcontinental lines, prior to the going into effect of the said advances in freight rates; and

WHEREAS, The California Traffic Association and others are presenting the matter to the interstate commerce commission as to the reasonableness of the rates now in effect; and

WHEREAS, There are now before the congress of the United States several measures looking to the enlargement of the powers of the interstate commerce commission so that it will be in a position to review any proposed advances in freight rates before the same go into effect; and

Preamble.

WHEREAS, It is important to the people of this state that a line of steamers be established between the ports of the Pacific coast and the Isthmus of Panama; and

WHEREAS, Senator Flint and Representative McLachlan have recently introduced in congress a bill calling for an appropriation of ten million dollars to establish a federal line of steamers on the Pacific coast; therefore, be it

Resolved by the senate of the State of California and the assembly, jointly. That we request the interstate commerce commission to consider the protests made against the advances in freight rates at as early a date as possible and thus relieve the manufacturers, merchants and producers of our state from the increased burden placed upon them; and be it further

Protests against advances in freight rates.

Resolved, That we recommend the speedy establishment of the line proposed in said bills introduced by Senator Flint and Representative McLachlan at as early date as possible in order that relief may be afforded to the manufacturers, merchants and producers of this state; and

Resolved, That we urge our representatives in congress to use every effort for the furthering of the measures granting increased powers to the interstate commerce commission, and particularly those measures relating to giving it the power to pass upon the reasonableness of rates prior to the taking effect of any proposed advance.

CHAPTER 31.

Assembly Concurrent Resolution No. 17, relative to the Alaska-Yukon-Pacific Exposition.

[Adopted March 18, 1909.]

WHEREAS, The Alaska-Yukon-Pacific Exposition is intended to commemorate an event of great importance in the history of the United States, and more particularly of the entire Pacific coast; and

Preamble.

WHEREAS, It is fit and proper that the State of California shall be officially represented in the exercises incidental to the formal opening of such exposition in the city of Seattle, Washington, June 1, 1909; therefore, be it

Resolved by the assembly of the State of California, the senate concurring, That, as part of such celebration, the lieutenant-governor shall appoint seven members of the senate, and the speaker of the assembly shall name a like number of members of the assembly, who, with the governor, the lieutenant-governor, the president pro tem. of the senate, and the

Commission to represent California at opening.

speaker and the speaker pro tem. of the assembly, shall represent the State of California at the time and place and the occasion mentioned.

Appropriation.

Resolved, That, for the purposes aforesaid, the sum of five thousand dollars is hereby appropriated, one half from the contingent fund of the senate, and one half from the contingent fund of the assembly, the same to be expended under the supervision and direction of the select committee authorized.

The controller is hereby directed to draw his warrants in the sum of five thousand dollars, one half from the contingent fund of the senate, payable to the president of the senate, and one half from the contingent of the assembly, payable to the speaker of the assembly, and the treasurer is hereby directed to pay the same.

CHAPTER 32.

Assembly Concurrent Resolution No. 6.

[Adopted March 18, 1909.]

Offices for State Agricultural Society.

Resolved by the assembly, the senate concurring, That immediately after the adjournment of the present session of the legislature, the superintendent of the state capitol be, and he is hereby, requested to provide suitable offices in the capitol buildings for the State Agricultural Society.

CHAPTER 33.

Senate Constitutional Amendment No. 1. A resolution to propose to the people of the State of California an amendment to the constitution of the State of California providing for the separation of state and local taxation, providing for the taxation of public service and other corporations for the benefit of the state, and to that end adding to article thirteen a new section to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

[Adopted March 19, 1909.]

Amendment to constitution.

WHEREAS, It is deemed desirable to separate the sources of revenue for state purposes from the sources of revenue for county and municipal purposes; now, therefore,

The legislature of the State of California, at its regular session, commencing on the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of Cali-

fornia the following amendment to the constitution of the State of California:

Mirs!: There is hereby added to article thirteen a new section, to be numbered fourteen, and to read as follows:

Section 14. Taxes levied, assessed and collected as herein-after 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.

Revenue
and taxa-
tion for
state
purposes.

(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, steamboat, vessel or stage line, two per cent; on all telegraph and telephone companies, three and one half per cent; on all companies engaged in the transmission or sale of gas or electricity, four per cent. Such taxes shall be in lieu of all other taxes and licenses, state,

Revenue
and
taxation
for state
purposes.

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 six tenths of one per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with its pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon such shares of stock and upon the property of such banks, except 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.

Revenue
and
taxation
for state
purposes.

The moneyed capital, reserve, surplus, undivided profits and all other property belonging to unincorporated banks or bankers of this state, or held by any bank located in this state which has no shares of capital stock, or employed in this state by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said board of equalization, in the manner to be provided by law, and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this subdivision. The value of said property shall be determined by taking the entire property invested in such business together with all the reserve, surplus, and undivided profits, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. Such taxes shall be in 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 to be provided by law,

Revenue
and
taxation
for state
purposes.

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, three fourths 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 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 San Bernardino and Placer counties 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 until such tax has been actually paid; but after such payment action may be maintained to recover any tax illegally collected in such manner, and at such time as may now or hereafter be provided by law.

Second. Section ten of article thirteen of said constitution is hereby amended to read as follows:

Section 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.

Third. Section ten of article eleven of said constitution is hereby repealed.

Property,
where
to be
assessed.

Repeal of
Sec. 10,
Art. 11.

CHAPTER 34.

Senate Constitutional Amendment No. 36. A resolution to propose to the people of the State of California an amendment to article six, section eight of the constitution, relating to judges of the superior court.

[Adopted March 19, 1900.]

The legislature of the State of California, at its thirty-eighth regular session, commencing on the 4th day of January nineteen hundred and nine, 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 eight of article six of the constitution of this state be amended to read as follows:

Amendment to constitution.

Section 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.

Judges of superior courts.

CHAPTER 35.

Assembly Joint Resolution No. 7.

[Adopted March 19, 1900.]

WHEREAS, The defense of the Pacific seaboard by a fleet adequate in point of numbers and power to meet and repel, if need be, the attempted invasion of the territory of the United States by any enemy, and commensurate with the dignity, affluence and commercial importance of that portion of the country which faces the Pacific ocean, is at least, as necessary to the welfare of the nation as is the defense of the Atlantic seaboard; and

WHEREAS, A fleet of sufficient strength riding the waters of the Pacific, would conduce to the establishment of confidence and the preservation of peace among the nations of the earth; and

WHEREAS, It is the duty and indisputable right of the federal government to provide adequately for the protection of the sovereign people and the sovereign states; and

WHEREAS, Although we believe in the protestations of good will of all nations toward this union of states, nevertheless, it is unwise and unfair to the people, interests and states on the Pacific coast, to refuse them ample protection against any contingency which may hereafter arise to menace their lives, their liberty or their property; therefore, be it

Defense of
western
coast.

Resolved by the assembly and senate of the State of California jointly, That our senators in congress be instructed and our representatives in congress requested to use all honorable means necessary to effect the immediate assignment to the waters of the Pacific, of ships of war in such numbers and of such power as to place this nation on an equal footing on its western coast with those nations which now maintain fleets of ships of war in the Pacific waters.

CHAPTER 36.

Assembly Concurrent Resolution No. 15, relative to an appropriation for the fortification of San Pedro harbor at San Pedro, California.

[Adopted March 27, 1909.]

Fortifica-
tion of
San Pedro
harbor.

WHEREAS, In the general army appropriation bill now pending before congress there is an item of four hundred thousand dollars for the fortifications at San Pedro harbor at San Pedro, California, be it

Resolved by the assembly, the senate concurring, That our senators in congress be instructed, and our representatives in congress requested, to use all honorable means necessary to retain said items in and secure the passage of such bill; be it further

Resolved, That the chief clerk transmit a copy hereof to each of our representatives in congress.

CHAPTER 37.

Senate Joint Resolution No. 20, relative to a bill in congress extending pension laws to include the First Battalion Mountaineers, California Volunteers, who served during the late war of the rebellion.

[Adopted March 27, 1909.]

WHEREAS, The officers and privates of the First Battalion Mountaineers, California Volunteers, served during the war of the rebellion against the Indians of the frontier counties: and

Pensions
to First
Battalion
Moun-
taineers.

WHEREAS, Under the provisions of the general pension laws, and the several special pension acts, said volunteers have always been held entitled to the benefit of said pension laws, and have for many years received pensions from the government for said service during the rebellion, which pensions have been in most cases the only means of support of these old volunteer soldiers; and

WHEREAS, Under a recent ruling of the department of the interior, it has been held that the pension laws do not include the volunteer soldiers who fought during the war of the rebellion against the Indians; and

WHEREAS, There is now pending in the congress of the United States, a bill introduced in the senate and house of representatives to extend the provisions of the pension laws to include the officers and privates of the First Battalion Mountaineers, California Volunteers, who served during the late war of the rebellion and were honorably discharged, and to the widows and minor children of such volunteer soldiers; therefore, be it

Resolved by the senate, the assembly concurring, That our senators in congress be instructed and our members in congress be requested to use all honorable means to secure the prompt passage by congress of the bill referred to in the preamble of this resolution.

CHAPTER 38.

Assembly Concurrent Resolution No. 14, relative to polygamy.

[Adopted March 27, 1909.]

WHEREAS, It appears from investigation recently made by the senate of the United States, and otherwise, that polygamy still exists in certain places in the United States notwithstanding prohibitory statutes enacted by the several states thereof; and

WHEREAS, The practice of polygamy is generally condemned by the people of the United States and there is demand for the more effectual prohibition thereof, by placing the subject under

federal jurisdiction and control, at the same time reserving to each state the right to make and enforce its own laws relating to marriage and divorce; now, therefore,

Proposed
amend-
ment to
constitu-
tion of
United
States.

Resolved by the assembly, the senate concurring, That application be and hereby is made to congress, under the provision of article five of the constitution of the United States for the calling of a convention to propose an amendment to the constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited, and congress shall be given power to enforce such prohibition by appropriate legislation.

Resolved, That the legislature of all other states of the United States now in session or when next convened, be and they hereby are respectfully requested to join this application by the adoption of this or an equivalent resolution.

Resolved further, That the secretary of state be and he hereby is directed to transmit copies of this application to the senate and house of representatives of the United States, and to several members of said bodies representing this state therein.

CHAPTER 39.

Assembly Joint Resolution No. 1, authorizing and requesting the governor to appoint a commission to cooperate with the federal authorities for the drafting of a law and the formation of a legal plan for the improvement of the Sacramento river; and the reclamation of adjacent overflowed lands; for irrigation; and the conservation of water.

[Adopted March 25, 1909.]

Improve-
ment of
Sacra-
ment
river.

Resolved by the senate and assembly of the State of California, jointly, That the governor of the state be, and he is hereby, requested and authorized to appoint a commission of three or more persons to act in conjunction with any similar commission or committee that may be appointed by the president of the United States, or by congress, or either branch thereof, or by any federal official for the purpose of framing a law and devising a plan for the improvement of the navigation of the Sacramento river, the reclamation of swamp and overflowed lands in the Sacramento valley, the irrigation of arid lands therein, and the conservation of water, with a view of segregating the expense among the federal government, the State of California and the landowners, and whereby such work may be concentrated under one management.

Resolved, That upon the passage of this resolution the clerk of the assembly be directed to forward a copy thereof to the president of the United States, and to our senators and representatives in congress, asking them to provide for the appointment of a similar commission to act with the committee to be appointed under this resolution by the governor.

CHAPTER 40.

Assembly Concurrent Resolution No. 8, relative to appointment of a committee of five by the governor, to investigate the feasibility of dividing the state into fish and game districts.

[Adopted March 27, 1909.]

Be it resolved by the assembly of the State of California, the senate concurring, That a committee of five persons be appointed by the governor for the purpose of investigating into the feasibility of dividing the State of California into fish and game districts, as contemplated by the constitutional amendment adopted in 1902, and to gather such information as will enable said committee to make a full and comprehensive report thereon to the thirty-ninth session of the legislature.

That said committee be and it is hereby empowered to administer oaths and issue subpoenas requiring persons residing in this state to appear and testify before said committee.

Said committee shall have and is hereby given power and authority to incur all necessary expense to perform the duties herein specified and make its report to the governor and the next legislature, and to make in such report such recommendation and prepare such laws as will carry out the purpose of this resolution.

That the expenses to be incurred under the authority of this resolution shall not exceed in the aggregate, the sum of \$5,000.00, and such amount shall be payable out of the game preservation fund. The state controller shall draw his warrants upon such funds upon the presentation of claims audited by the committee and filed by the chairman thereof, and the state treasurer shall pay the same.

CHAPTER 41.

Senate Concurrent Resolution No. 16, relative to the encouragement of the viticultural industry of the State of California.

[Adopted March 27, 1909.]

WHEREAS, The State of California is now becoming pre-eminently a grape growing state, where wine can be produced as cheaply, of as fine a quality, and in as large quantities, as in any country in the world; and

WHEREAS, There are at the present time over 250,000 acres of land in the State of California devoted to the viticultural industry, representing an investment of over one hundred millions of dollars; and

WHEREAS, A very desirable class of people are coming into this state and taking up the improvement of vast areas of land which have heretofore been non-productive and of little value, planting vineyards on land absolutely unsuited for any other purpose, and hoping to find a market for their grapes, for table consumption, for the making of raisins, and for the manufacture of wines; now, therefore, be it

Encouragement of viticultural industry.

Resolved by the senate of the State of California, the assembly concurring, That we strongly recommend the encouragement of the viticultural industry in this state and we favor the enactment of legislation, either by the federal government or by the state legislature, or the passage of regulations or ordinances by any of the counties, cities or towns of the state, that would foster this most important industry, which is destined, if properly encouraged and cared for, to be one of the greatest industries of the state.

CHAPTER 42.

Senate Constitutional Amendment No. 38. A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, by amending section three of article XI thereof, and relating to the formation of new counties, and altering the boundary lines of existing counties.

[Adopted March 27, 1900.]

Amendment to constitution.

The legislature of the State of California, at its regular session, commencing the 4th day of January, in the year one thousand nine hundred and nine, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby propose that section three of article XI of the constitution of the State of California, be amended so as to read as follows:

Formation of new counties.

Section 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.

CHAPTER 43.

Assembly Concurrent Resolution No. 18, relative to granting leave to certain members of the assembly to leave the state for a period of more than sixty days.

[Adopted March 27, 1909.]

Resolved by the assembly, the senate concurring, That leave of absence from the state for a period longer than sixty days is hereby granted to the following assemblymen: Grove L. Johnson, Richard Melrose, Prescott F. Cogswell, E. C. Hinkle, W. J. Harlon, S. Fleisher, H. E. Holmquist, J. B. Maher, Geo. M. Perine, C. W. Wagner, Jno. Reeh, W. R. Leeds, Harry Bardollar, W. J. Costar, J. L. Mendenhall, J. P. Transue, P. A. Stanton, J. J. McManus, R. L. Beardslee, J. W. McClellan, H. W. Pulcifer, E. L. Hawk, J. W. Flavell, P. Pugh, E. J. Callan, Geo. Hans, C. C. Young, P. V. Hammon, G. L. Sackett, P. H. Johnson, F. M. Rutherford, P. A. Johnson, R. L. Telfer, K. C. Gillis, A. M. Dean, F. C. Gerdes, G. W. Wylie, W. W. Greer, N. C. Coghlan, W. R. Flint, F. Otis, M. L. Schmitt, E. I. Butler.

Leaves of absence.

CHAPTER 44.

Assembly Constitutional Amendment No. 11. A resolution to propose to the people of the State of California an amendment to the constitution of the state, by adding a new section thereto to be numbered section 25 of article one thereof, relating to the right of the people to fish.

[Adopted March 27, 1909.]

The legislature of the State of California, at its regular session, commencing on the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each house of said legislature voting in favor thereof, hereby propose that a new section be added to the constitution of the State of California, to be numbered section 25 of article one thereof, to read as follows:

Amendment to constitution.

Section 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.

Right to fish.

CHAPTER 45.

Senate Joint Resolution No. 22, relative to a proposed federal collateral inheritance tax.

[Adopted March 27, 1909.]

WHEREAS, The new revenue bill reported by the ways and means committee of the United States house of representatives contains provisions for an inheritance tax, to be both collateral and direct; and

WHEREAS, More than thirty states now have inheritance tax laws, and among this number is the State of California which will this year receive from this source about one million dollars; and

WHEREAS, For state governments and the federal government to depend for revenue upon the same subjects of taxation is not in accordance with sound financial principles, while the double taxation of inheritances would be burdensome and unjust to the persons who must pay the taxes; therefore, be it

Federal inheritance tax law.

Resolved by the senate and assembly of the State of California, concurring jointly, That it would be inexpedient for the federal government to impose inheritance taxes at this time and that such action would be unfair to California and other states which already tax inheritances; and be it further

Resolved, That our senators and representatives in congress be requested to oppose this feature of the pending tariff bill and to endeavor to have it stricken from the measure; and be it further

Resolved, That the secretary of the senate mail copies of these resolutions to our senators and congressmen.

CHAPTER 46.

Assembly Joint Resolution No. 11, relating to maintaining without reduction the present tariff on wool imported into the United States from any foreign countries.

[Adopted March 27, 1909.]

WHEREAS, The growing of wool is one of the leading industries of the State of California, a large portion of the area of which is made up of lands suitable for the grazing of sheep;

WHEREAS, The wool grown in California can not compete in price with wool imported from certain foreign countries;

WHEREAS, Any reduction by congress from the present tariff on wool would greatly injure the industries of sheep raising and wool growing in the United States; therefore, be it

Tariff on wool.

Resolved by the senate and assembly of the State of California, jointly, That we respectfully urge the congress of the United States to maintain without reduction the present tariff on wool imported into the United States from any foreign country; be it further

Resolved, That our senators in congress be instructed and our representatives requested to use all honorable means to carry out the foregoing recommendation and request; be it further

Resolved, That the governor of California be, and he is hereby directed to transmit a certified copy of these resolutions to the president and speakers respectively of the senate and house of representatives and to each of our senators and representatives in congress.

CHAPTER 47.

Senate Concurrent Resolution No. 20, relative to the consent of the legislature to the absence of his excellency Hon. James N. Gillett, governor, and Lieutenant-Governor Warren R. Porter, of the State of California, for more than sixty (60) days.

[Approved March 27, 1900.]

Resolved by the senate, the assembly concurring, That the legislature of the State of California has consented, and does hereby consent, that his excellency James N. Gillett, governor of the State of California, and Hon. Warren R. Porter, lieutenant-governor of the State of California, may each absent themselves from the State of California at such times as they may choose, or as necessity may require, during their official term for a period of more than sixty (60) days; *provided*, that the periods of such absence taken together, do not exceed in any one calendar year a period of four (4) months. Leave of absence.

CHAPTER 48.

Senate Concurrent Resolution No. 21, relative to leaves of absence to certain senators.

[Adopted March 27, 1900.]

Resolved by the senate, and the assembly concurring, That leave of absence from the State of California for a longer period than sixty days during the term of office of the following named senators of the legislature of the State of California be and the same is hereby granted. Said leave of absence to take effect after adjournment: Leaves of absence.

Anthony, Marc; Bates, J. Clem; Bell, Chas. W.; Bills, Chas. B.; Birdsall, E. S.; Black, Marshall; Boynton, A. E.; Burnett, Lester G.; Caminetti, A.; Campbell, A. E.; Cartwright, George W.; Curtin, J. B.; Cutten, Charles P.; Estudillo, Miguel; Finn, Thomas F.; Hare, John P.; Hartman, Gus; Holohan, James B.; Hurd, H. M.; Kennedy, T. J.;

Leavitt, F. W.; Lewis, John T.; Martinelli, E. B.; McCartney, H. S. G.; Miller, E. O.; Price, W. F.; Reily, D. J.; Roseberry, Louis H.; Rush, Benjamin F.; Sanford, J. B.; Savage, W. H.; Stetson, John W.; Strobridge, Ed. K.; Thompson, Newton W.; Walker, George S.; Weed, A.; Welch, Richard J.; Willis, Henry M.; Wolfe, Edward I.; Wright, Leroy A.

CHAPTER 49.

Committee Substitute for Senate Joint Resolutions Nos. 6, 7, 11 and 17.

[Adopted March 27, 1909.]

WHEREAS, The progress, happiness and prosperity of the people of a nation depend upon a homogeneous population;

WHEREAS, The influx from the over-populated nations of Asia, of people who are unsuited for American citizenship or for assimilation with the Caucasian race has resulted and will result in lowering the American standard of life and the dignity and wage earning capacity of American labor;

WHEREAS, The exclusion of Chinese laborers under the existing exclusion laws of the United States, has tended to preserve the economic and social welfare of the people;

WHEREAS, We view with alarm any proposed repeal of such exclusion laws and the substituting thereof of general laws;

WHEREAS, The interest of California can best be safeguarded by the retention of said exclusion laws and by extending their terms and provisions to other Asiatic people;

WHEREAS, The people of the eastern states, and the United States generally, have an erroneous impression as to the real sentiment of the people of the Pacific coast relative to the Asiatic question;

WHEREAS, We think it right and proper that the people of this country should be advised as to our true position on that question; therefore, be it

Asiatic
exclusion.

Resolved by the senate and assembly jointly, That we respectfully urge the congress of the United States to maintain intact the present Chinese exclusion laws and instead of taking any action looking to the repeal of said exclusion laws, to extend the terms and provisions thereof so as to apply to and include all Asiatics:

Resolved, That our senators be instructed and representatives in congress requested to use all honorable means to carry out the foregoing recommendation and requests;

Resolved, That the governor of California be and he is directed to transmit a certified copy of these resolutions to the president and speaker respectively of the senate and house of representatives of the United States. and to each of our senators and representatives in congress.

CHAPTER 50.

Senate Concurrent Resolution No. 22.

[Adopted March 27, 1909.]

Resolved by the senate, the assembly concurring, That the thirty-eighth session of the legislature of the State of California adjourn *sine die* at twelve o'clock meridian, Wednesday March 24, 1909, and that no bills be considered by either house after six o'clock and thirty minutes P. M., on Tuesday, March 23d, 1909. except amendments offered by the other house and reports of conference and free conference committees.

Adjournment
sine die.

CHAPTER 51.

Senate Joint Resolution No. 19, relative to maintaining without reduction the present tariff on lumber imported into the United States from any foreign country.

[Adopted March 27, 1909.]

WHEREAS, The manufacture of lumber has become one of the leading industries of the State of California, giving direct employment to over 30,000 laboring men and adding each year to the output of the state 1,500,000,000 feet of lumber valued at over \$23,000,000 at the place of production, all of which must be loaded on train or boat for shipment to the markets of the world, thus making business for and providing revenues to the great transportation companies which are developing the resources of a state which is a veritable empire in territory and natural wealth;

Manufacture of
lumber.
Preamble.

WHEREAS, The plants of the lumber manufacturers which are scattered throughout northern California, in the valuable redwood belt which covers the hills of the coast counties and in the great pine forests which spread over the slopes of the Sierras, make up in value a great part of the taxable property of state and county and produce revenues for governmental purposes which can not be derived from other sources;

WHEREAS, There are vast and practically inexhaustible forests of pine waiting to be cut in British Columbia and other provinces of the Dominion of Canada, where the price of stumps is at a minimum and the price of labor due to cheap labor competition and the decreased cost of living is far below the scale of wages paid to the American logger and millhand;

WHEREAS, Lumber manufactured in California and the great producing state of Oregon and Washington cannot successfully compete with lumber coming from without the United

States where the cost of production has been materially decreased;

WHEREAS, We view with alarm any reduction by congress from the present tariff on lumber imported into the United States, believing that any such reduction will injuriously affect the condition of employer and employee alike and seriously hamper an industry, the successful carrying on of which means so much to the prosperity of a state renowned for its great natural wealth; be it

Tariff on
lumber.

Resolved by the senate and assembly jointly, That we respectfully urge the Congress of the United States to maintain without reduction the present tariff on lumber imported into the United States from any foreign country; be it further

Resolved, That our senators in congress be instructed and our representatives requested to use all honorable means to carry out the foregoing recommendation and request; be it further

Resolved, That the governor of California be and he is directed to transmit a certified copy of these resolutions to the president and speaker respectively of the senate and house of representatives of the United States, and to each of our senators and representatives in congress.

CHAPTER 52.

Senate Concurrent Resolution No. 18, relative to heating and ventilating plant of senate and assembly chambers and committee rooms, etc.

[Adopted March 27, 1909.]

Ventila-
tion of
legislative
rooms in
capitol.

WHEREAS, The senate and assembly chambers and the senate and assembly committee rooms in the State Capitol at Sacramento, are not properly ventilated; and

WHEREAS, The absence of pure air in the said chambers and committee rooms is detrimental to the health and impairs the efficiency of the work of the members of the senate and assembly and the attachés thereof, who are compelled to work for many hours each day therein; and

WHEREAS, Hon. Nathaniel Ellery, state engineer of the State of California, states that the senate chamber, the assembly chamber, and the committee rooms of the senate and assembly on the fourth floor of the Capitol building, together with the halls of said fourth floor and the post office rooms, the filing rooms and the sergeant-at-arms rooms both of the senate and assembly together with the office of the speaker of the assembly, can be properly ventilated and a proper system of heating and ventilating said chambers, rooms and halls, can be made and installed therein for the sum of \$4,500; therefore be it

Resolved, That the sum of forty-five hundred (\$4500) dollars be and the same is hereby appropriated from the contingent funds of the senate and assembly, one half to be drawn from each of said contingent funds, to pay for the construction and installment by the state engineer of a proper heating and ventilating system or arrangement of ventilation and heating for said senate and assembly chambers and the committee rooms of the senate and assembly on the fourth floor of the Capitol building together with the halls on said floor and also the post office rooms, the bill-filing rooms, the sergeant-at-arms rooms and the hat rooms both of the senate and assembly together with the office of the speaker of the assembly, all situated in the State Capitol at Sacramento, to be installed and in operation prior to the beginning of the thirty-ninth session of the California legislature, in January, 1911, and the controller is hereby directed to draw his warrant on the state treasurer for said sum, or so much thereof as may be necessary, upon the presentation by the state engineer of such claims for said work as may be approved by the state board of examiners.

Appropriation.

